

A
DEFENCE

Of the RIGHT of the
House of *AUSTRIA*

TO THE

Crown of *SPAIN*,

And the Dominions thereunto
Belonging.

In Two PARTS.

The First shewing the Fatal Consequences of the
TREATY of PARTITION.

The Second containing an Account of the Methods
us'd by *France* to procure from the Late King of
Spain a Will in favour of the Duke of *Anjou*,
by Forgery and Violence, in order to obtain an
Universal Monarchy.

Written by a Civilian at *Vienna*, and done into *English*.

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P A R T I.

Shewing the fatal Consequences of the
late Treaty of Partition.

WHEN the *French* Court express'd *Design of*
 so much Zeal for the Peace of *France in*
Reswick during the highest Prof- *making the*
 perity of their Arms, 'twas ea- *Peace of*
 sy to foresee that they were meditating other Con- *Reswick.*
 quests under the favour of that Peace, which
 should be less expensive, and of more importance
 than any they could promise to themselves by
 continuing the War: For to presume they acted
 by a Motive of Charity to give Peace to *Christen-*
dom, as they would have us believe, is altogether
 inconsistent with their preceding Conduct; since
 nothing is more notoriously evident, than that
 they alone by their insatiable Ambition, have
 depriv'd *Europe* of that Blessing, throughout the
 whole Course of this, and the preceding Reign.
 They were well inform'd, that *England* and the
United Provinces were much exhausted; and that
 the Emperor, having born the weight of the
Turkish War for fourteen years, was no longer
 able to maintain his Troops upon the *Rhine*.
 They had put an end to the most troublesome and
 expensive part of the War by an Agreement
 with *Savoy*: Yet they were resolv'd to have a
 Peace, they press'd it vehemently, and concluded
 one with disadvantage. They had already bought
 a Peace from the Duke of *Savoy* by restoring
Pignerol,

Pignerol, in hopes that his Separation from the Confederates, would facilitate the general one: and in this they sacrificed their Ally King *James*, who had put himself under their Protection, to their common Enemy *R — G —* with whom they enter'd into private Measures for a stricter Alliance; by virtue of which, the undoubted Right of the Emperor and his Male Line to the Succession of *Spain*, was to be sacrificed in requital, as appear'd soon after.

That the Peace was disadvantageous to the *French*, is evident by the Obligation they were under to restore so many Places of importance, which had cost vast Sums of Money to take and fortify; besides others that were to be demolish'd, to the great weakening of their Frontiers. But the vast Designs they had form'd, deserv'd all these Sacrifices. The Catholick King was in such a languishing Condition, as might carry him every hour to the Grave, and they had his Succession in view. The Continuation of the War would have kept the two great * Maritim Powers united to the Emperor and King of *Spain*, by virtue of their Alliance; which was so prejudicial to *France*, and yet no way to be dissolv'd but by a Peace, that it became absolutely necessary to make one. The Conferences of the Mareschal de *Boufflers* with the E. of *P.* the Embassy of the Earl to *France*, and the extraordinary Honours done him there, were the forerunners of the Dissolution of the Confederacy, and of the Measures taken between the *French* Court and those Powers to secure the Succession of *Spain* to the Electoral Prince of *Bavaria*.

* England
and Hol-
land.

Design of
France in
declaring
for the
Electoral
Prince of
Bavaria.

This Expedient, however unjust, seem'd to the two Confederated Nations the most proper means to bring them out of an expensive War with Honour,

Honour, and at the same time to prevent the *French* from seizing the Succession of *Spain*. But on the other side, it was favourable to *France*, by depriving the Emperor of his Right, and putting the *French* King into a condition to appropriate to himself, under the Name of the Electoral Prince, whatever he should think convenient. Suitable to this view it could not but be advantageous to *France* to disarm her Enemies, which was to be the first fruits of the Peace. For they were sure the *English* Nation would never suffer their King to keep up an Army without necessity; and that the *United Provinces* would upon the Conclusion of the Treaty reduce their Troops, and apply themselves to the reestablishment of their Trade. And as to the *German* Princes, they presum'd, that when they should find themselves depriv'd of the Supplies they used to receive from those Nations, and of the Winter-quarters which were assign'd them by the Emperor, they would disarm also; and that they alone remaining in Arms, and by means of the Peace furnish'd with sufficient opportunities of embroiling Affairs in *Spain*, *Germany*, *England*, and the *North*, would find no difficulty in the Execution of their great Designs upon the death of the King of *Spain*, which they thought near at hand. The Disarming succeeded to their Expectation; and in less than six months they saw their Enemies out of a condition to hurt them, which made them raise their thoughts to higher things than they had before projected. To make the best use therefore of this favourable Conjunction, after they had broken a few useless Troops, and sent home the Militia, which they could raise again at pleasure, they marched the best of their Troops towards the *Pyrenees*, fitted out Fleets of Ships and Gallies to

to cruize upon the Coasts of *Spain* and *Italy*, and convey'd Men, disguis'd like *Spaniards*, into the City of *Madrid*, to assist their Ambassador, who by his Intrigues had already put that Court into the utmost Confusion.

In this posture of Affairs the Catholick King recovers, almost miraculously; which, with the Disposition that appear'd towards a speedy Conclusion of a Truce between the Emperor and the *Turk*, made the Court of *France* slacken its pace, lest his Catholick Majesty (who had constantly refus'd to declare himself in favour of the Electoral Prince) should enter into Measures with the Emperor, arm'd and victorious, to bring the Arch-Duke *Charles* into *Spain*: Therefore since they could not flatter themselves any longer with hopes of obtaining their Ends without the Assistance of *England* and *Holland* (who had engag'd no farther than for the Electoral Prince) they enter'd upon a Negotiation with them upon that Project; and covering their Ambition under the specious pretence of the Publick Good, and preservation of Peace, were compassing their main Design by oblique and indirect ways and methods.

'Tis evident, that by engaging the two Maritime Powers, and the Elector of *Bavaria*, to secure the Succession of *Spain* to the Electoral Prince, they should actually embroil them with the Emperor, whose Power by that means would be so diminish'd, that either he would be oblig'd to treat privately with *France* upon such terms as he could get; or else, under pretence of putting the Electoral Prince into possession, they themselves would seize into their hands all the best Places, in order to leave him only what they pleas'd.

2. The Council of *Spain* seeing the Emperor disabled by this League from maintaining his Right by Arms, and justly fearing their Monarchy would be dismembred, could no way avoid to admit the Electoral Prince, and so fall into the Snare laid for them.

3. Most of the States of *Europe*, interesting themselves no farther than to prevent the Union of the *Spanish* Monarchy to that of *France*, would entertain less jealousy of the Possession they should take in the Name of the Electoral Prince. And thus, when they had posted themselves in *Spain* and *Italy*, either a New War must be made to drive them out again, or they must have had by an Agreement prejudicial to all *Europe*, whatever they should think convenient for themselves, in order to save the rest for that Prince: and for this they had made early provision; for we now certainly know that they had already stipulated with the Elector of *Bavaria*, that the Kingdoms of *Naples* and *Sicily* which they have so long coveted, should be yielded to them.

4. If the *Spaniards* and Maritim Powers should acknowledg the Prince Electoral's Right to the Crown of *Spain*, notwithstanding the Archdutchess his Mother's Renunciation of all her Rights to the *Spanish* Monarchy, which was made after the most Solemn manner, in favour of the Emperor and his Descendants of the Male Line; this would be to create a Title in themselves, to be disputed hereafter with that Prince, under the Name of the *Dauphin*, representing the Eldest Daughter of *Philip* the 4th; whereas the Electoral Prince represented only the Younger, the Renunciation of the Queen his Mother, as they would have given out, being of no more force against him, than that of the Archdutchess against her

Son. 'Tis true some exceptions would have been made, but they would have taken an opportunity of confuting them by the Sword.

The Death of the Electoral Prince, which happened in the midst of these Noble Projects, cast the *French* and their Allies into new Perplexities. The most Christian King was fully convinc'd, that if he pretended to the whole Succession of *Spain* in order to incorporate those Dominions with his own Crown, he should arm all *Europe* against himself. And if he pretended to obtain it separate and independant for one of his Grandsons, his Allies would not fail to oppose him privately; and by corresponding secretly with the Emperor and Catholick King, be enabled to destroy the Foundation of his hopes. These Considerations mov'd him to propose several Expedients to dissipate their suspicions: whilst his Ambassador at *Madrid* endeavour'd to perswade the *Spaniards* by all the strength of Promises, Intrigues, and Bribes, to admit one of his Grandsons. But the Catholick King, and the Allies of *France* expressing their aversion to this project, he at last agreed with *R— G—* in another Expedient to determine this great Affair: which was, by way of provision, to divide the Succession of *Spain* between the *Dauphin*, and the Arch-duke *Charles*.

Design of
France in
the Treaty
of Partiti-
on.

This Treaty, tho mysteriously conceal'd, took wind, and awaken'd the Suspicions of the Courts of *Vienna* and *Madrid*. Yet there was some reason to doubt; first, because *R— G—* and two or three Persons alone of the greatest Figure in *Holland*, were said to be concern'd: and then, a Fact of such Enormity and Injustice wanted all appearance of probability. But the most Christian King finding himself oblig'd to maintain great Forces,

Forces, that exhausted his Treasures, in expectation of a Succession which the Recovery of the Catholick King render'd every day more uncertain and remote; and apprehending on the other hand by reason of his great Age, that if he should come to die without finishing this important Enterprize, the *Dauphin* might find himself too weak, or of too little credit to sustain it with success, he thought himself necessitated to put all to hazard, by making the Treaty publick, with the Circumstances which every Man knows.

How rash soever the Publishing of this Treaty may seem, it cannot be said to have been resolv'd without mature deliberation. The State of Affairs in *Europe* was inviting. *Spain* in the utmost perplexity and confusion lay under the Terror of his Arms, which threatned them by Sea and Land: all their Places unprovided, and their Frontiers open on all sides. The great Maritime Powers, from whom they ought to expect most, disarm'd, and in all appearance brought over to support the Treaty. These were such Considerations as might well oblige the *Spaniards* to think the Admission of a Son of *France* to the Crown of *Spain*, to be a Tolerable thing in the Danger they were in of being torn in pieces. And this was presently perceiv'd by the *French* to be the worst that could happen. There was a Party form'd in *Spain*, to promote this Admission: for many principal Persons among the Clergy had already swallowed the bait, through a vain desire of ease and quiet, which they cover'd with the specious pretext of Religion. Possibly, there was yet a greater Party among the *Grandeess*, of whom one part trembled at the Danger of losing all by resistance, and the other was seduced by hopes of reaping advantages from the Change. As

*Reasons of
France for
publishing
the Treaty of Partition.*

to the Emperor, they saw him sufficiently employ'd, in regulating his Frontiers with the *Turk*, and disbanding part of his Forces, in order to recruit his Treasures. So that they thought themselves secure from him; especially considering, that the Divisions which had been form'd in the Empire about the Ninth Electorate, together with the Northern War, in which they doubted not to engage him, would in all appearance put him out of a Condition to think upon things abroad. Besides all these favourable Dispositions, they counted upon the good Fortune of the Monarchy, so often experienced in the rashest Attempts, and the Talent of the Nation for Negotiations and Intrigues, which has been verified by the most astonishing Effects; even by perswading Princes and States, with whom they have treated, to act in a direct Opposition to their most essential Interests.

According to these promising Ideas the *French* Court perswaded themselves, that the Publication of the Treaty could not but turn to their advantage. For the Emperor, finding himself abandon'd by his antient Allies, and not daring to rely upon *Spain* in such extreme confusion, would either be forc'd to accept his Lot, rather than lose all; and then they knew they should be Masters of every thing in the *Spanish* Monarchy that was convenient for them at present, with certain hopes of the rest afterwards; in which no other difficulty could arise but from the *Spaniards*, who not daring to trust the Emperor after this acceptation, would find no other way to save themselves, than by giving their Crown to a Prince of *France*; upon which offer, the *French* would seem difficult, and disputing the Conditions, would endeavour either to draw them into a
Depen-

Dependance, or tear away the *Spanish Netherlands* to incorporate them with the Crown of *France*: Or, on the contrary, if the Emperor should refuse to accept the Treaty, which they thought improbable, then they trusted to *R—G—* and the Maritim Powers, who had engag'd to see the Conditions perform'd, and doubted not to bring in divers other Princes and States of *Europe*, decoying some of them with the Arch-duke's Lot, and others with vain promises of a Part in the Plunder, thinking by these means to break all the Measures of the Emperor and King of *Spain*.

Under these auspicious Influences, we saw that Treaty published, which is now become the Scandal of all *Europe*. A Treaty which may be justly call'd, not only a Conspiracy against the *Austrian* Family, but against the Liberties of *Christianity*; directly tending to enslave Mankind to the House of *France*. This is the Design of that Treaty; irregular in every part, unjust in substance, and of the most dangerous consequence to all Sovereigns, who may with reason dread the Force of this Example. Henceforward, if nothing more be necessary to regulate Successions than a Superior Force, and a Combination of three or more powerful Princes, what methods of Caution can they possibly take to secure their Dominions to their Children or Families? The King of *Spain* is not yet in his fortieth year; he is within the Age of having Children, and his Health may be restor'd by that Grace of God, which has been so visible in his preservation. But he lives too long, in the Opinion of the *French*, who have waited for his death, ever since he was born: and not daring to pretend to the whole Succession, lest all *Europe* should take the Alarm, they ingage *R—G—* and two or

The Injustice, and Enormity of the Partition Treaty.

or three leading Men in the Government of the United Provinces, whom they had gain'd, to consent, that they should take either by Force or Treaty what they judg'd most convenient for them, leaving only for form sake such a Share to the Emperor's second Son, as they were sure to tear from him soon after. Thus trampling under foot the Rules of Law and Equity, and measuring all by their Ambition, they secure to themselves a Throne which is not vacant, and to which they have no right, in prejudice of the true Heir.

But this is not all. They carry the Attempt yet farther; and no way trouble themselves about the Consent or Refusal of the actual Possessor of so many Kingdoms and States; as if he was already struck out of the Book of the Living; or as if, by being childless, he had forfeited all right of inquiring who ought to succeed him. Then, as to his Kingdoms and Dominions, tho the Disposing of them is a thing that immediately concerns them, and determines their Happiness or Misery; they are no more regarded in the Treaty, than if they were so many Kingdoms of *Yvetot*, or Republicks of *San Marino*. The Treaty was propos'd to the Emperor and King of *Spain*, not as a Project upon which they had liberty to deliberate; but as a fix'd Decree, and irrevocable Sentence, to which they must submit blindly and without reply. There is not the least mention made, that the Kingdoms and States to be divided shall be preserved by their new Masters, in the enjoyment of their Laws, Customs, Immunities and Privileges; a Favour that might have been stipulated for them, tho it had been done only for form sake, and to keep them out of despair; for we know well enough that

that no such thing is to be expected from *France*.

The Haughty and Despotical manner of the *French*, in giving the two Monarchs notice of the Treaty, is yet more extraordinary. The Marquess *de Villars* presents it to the Emperor, and prescribes the Term of three months, to consider whether he will accept or refuse the Lot which was assign'd therein to the Arch-duke *Charles*, his second Son; declaring at the same time, that unless he accept within the term limited, they will give it to another. And for the Catholick King, the Marquess *de Torcy*, upon the delivery of the Treaty to his Ambassador at *Paris*, declares drily and without farther compliment, that this Office was perform'd, in order to know whether his Majesty would consent to the Partition, or not: that, in the First case, they would be content; if otherwise, such measures would be taken as should be thought most convenient. 'Tis left to the Judgment of all impartial Men, if this be not the Language of a Master, and a Dictatorian way of prescribing Laws in the utmost extent of Sovereign Authority. But such is the present Stile of the *French* Court; from whence one may easily infer, with what kind of Air they will speak and act, if the Treaty succeed to their expectation. But they go yet farther: for they will not be contented to dispose of the King of *Spain's* Dominions as they please, and to pronounce Sentence against him with the highest indignity: They affirm in the Treaty, that the right of Succession belongs to the Sons of the Emperor, and the *Dauphin* of *France*; yet notwithstanding this Acknowledgment, 'tis stipulated at the End of the Seventh Article, that if the Emperor, and the two Princes his Sons shall refuse to admit the prescrib'd Partition, the two Kings,
and

and the States General will nominate another Prince, to whom the Share design'd for the Archduke shall be given. Can any thing be more unjust and outrageous? They first deprive the Emperor of his right to the whole; then they divide the whole between his second Son the Archduke and the *Dauphin* of *France*, giving all the advantage to the last; and lastly, they threaten his Imperial Majesty, that unless he comply, they will give his Son's part to a third Person, in punishment of his offence.

Let Men turn this Proceeding which way they please, they will not find such an example of Injustice and Arrogance, in either Christian or Profane History. Surprisals, breach of Treaties, Invasions and desolation of Countries, are Attempts that cry aloud for Vengeance: and *France* has known how to make use of them with success, throughout the whole course of the present Reign: but that kind of hostile Actions is usually follow'd by others of like nature; Men oppose Force to Force, and when a War is begun, each Party endeavours to take all advantages against their Enemies. Here, the case is different. Injustice and Surprisal are disguis'd under the Name of Peace; waylaying another Prince is said to be convenient for *Europe*, and Usurpation is cover'd with the deceitful mask of an amicable Agreement. But what Law, or what Right had the three contracting Powers, to assume this Authority, and to constitute themselves Sovereign Judges of so vast an Inheritance; to overthrow the order of Succession that had been so firmly establish'd, and to adjudg the best part to *France*, that had renounc'd all by a Solemn Treaty? Strange Tribunal! where a Party is principal Judg, and where the two others seduc'd by mistaken interests,

Interests, blindly subscribe his unjust Decisions. And indeed, who could ever have thought that *R — G —* should have engag'd with his most dangerous and implacable Enemy, to authorize such an enormous Attempt, so prejudicial to all *Europe*, and to his own People in particular? 'Tis upon this Prince, and his Creatures in *Holland*, that the blame must fall: For, as to the *French*, they have been so long in the possession of attempting any thing to compass their Ends, that nothing now can be surprizing which comes from them. But for *R — G —* and the *States General*, who can see them at the head of this Treaty without Emotion? What Titles or Characters do they bear to enable them to determine of Successions, especially that of *Spain*? I desire to be excused from explaining my self farther concerning their Conduct; for I cannot perswade my self, that a Prince so clear-sighted as *R — G —* can depart from the Interests of his Crown, as well as those of a Commonwealth, which is intirely devoted to him, to enter into so pernicious a Conjunction with *France*, unless he had some farther prospect of Affairs: Possibly he saw that Crown upon the point of breaking into a War, in order to make good its Pretensions, at a time when he was unprepar'd, and when the Emperor and King of *Spain* thought of nothing less than a Rupture: From whence we are to presume that he design'd, like a wise Politician, to charm the Storm by way of Negotiation; and upon this Principle was not unwilling that the *French* should publish the Treaty, to the end that the House of *Austria* might take such measures as they should think most convenient, keeping himself upon the reserve, and the whole business in suspense during the Life of the Catholick King. This is

the turn and interpretation that may be given to the several steps made by him, in conjunction with those of the *United Provinces*: And as nothing but time can discover the Truth, I think my self oblig'd to wait, that I may not be found to decide rashly in so nice a Point. However this be, the Treaty appear'd under the Names of the most Christian King, the K. of G. B. and the *States General*, the two last becoming Guarantees for its performance; and, which is yet more surprizing, appear'd under the deceitful colour of the Publick Good and Peace of *Europe*: Gross Illusion! the Mask falling off even at the fourth Article.

Absurdities of the Motives to this Treaty.

If one should ask these three Powers what was the Object of their Union, they answer in the second Article, *To maintain the general Tranquillity of Europe*; And if we would know what was the cause of their Apprehensions, they will presently reply, *They could not see without grief, that the state of the King of Spain's Health had for some time been so languishing, that the Life of that Prince is in great danger; tho they cannot think upon this Event without Affliction, by reason of the sincere and unfeigned Friendship they have for him.* Hitherto all goes wonderfully well; nothing but Christian Charity, the desire of Peace, and dismal apprehensions of the Death of the Catholick King. Nay, in confirmation of the third Head, we may say, that his most Christian Majesty's Uneasiness about the Health of this good King was carried to some excess: for his design to send an Ambassador to *Madrid*, in order to be careful and vigilant about him, was the principal reason that mov'd him to press and conclude the Peace with disadvantage. This Peace was hardly ratified when his Ambassador appear'd at *Madrid*, to the astonishment of the

the whole Court; and to satisfy his Master's impatience more punctually, laid the Post-road with his own Horses, causing his own Servants to ride as Postboys between *Madrid* and the Frontier, to the end he might be every hour inform'd without trusting to the *Spaniards*, about that Health which concern'd him so much. A little Head-ach, or a restless Night, was become the Subject of an Express. In a word, this officious Minister, seeing the *Spaniards* alarm'd about the Succession, omitted nothing that might put them out of doubt, letting them see at a distance great Armies upon their Frontiers, and Squadrons of Ships and Gallies cruizing upon the Coasts of *Spain* and *Italy*, all ready to decide that Question.

But to leave our Irony, and come to consider this *sincere and unfeigned Friendship* in the most essential Proofs on't we can find. In the year 1667. the most Christian King seeing this young King a Minor, without Defence, under the Guardianship of the Queen his Mother, whose Authority was travers'd by Court-Cabals; and knowing that the Queen, without any distrust, relied upon the Faith of the *Pyrrean* Treaty, and the precise and repeated Assurances of his Ambassador the Archbishop of *Ambrun*, that his great Preparations were not design'd against any of the Dominions of the King her Son, he fell upon the *Spanish Netherlands* on a sudden, penetrated into the heart of 'em, and would have subdued them infallibly, if *England*, *Sweden*, and the *United Provinces*, had not put themselves in a condition to hinder him. This Invasion he made without any such denunciation of War as the Law of Nations, and Customs of all civiliz'd People prescrib'd, contrary to the most solemn Promises made by his Ambassador in his Name, and against

the plain meaning of the *Pyrenean Treaty*, Article 24. *Any Rupture happening between the two Crowns, six months time shall be given on each side to draw out, and transport Goods, Persons, &c.*

But what could stop the *French Court* when so fair an opportunity was offer'd? yet for forms sake, the most Christian King, when his Troops were actually marching towards the *Low-Countries*, and himself ready to follow, dispatch'd an Express to his Ambassador with a Letter and Manifesto to be presented to the Queen: And as if the Credit of that Manifesto forged by a Mercenary Pen, had been sufficient to justify the Enormity of that Invasion, he departed without expecting an Answer, that he might take all the advantages of a Surprise. His Letter was dated the 8th of *May*, and Hostilities began on his side ten days after. Let all Men judg how great the Grief of this afflicted Queen must of necessity be upon the News of a War so little expected: She had lost the King her Husband, and found nothing disposed to resist so powerful an Enemy. In this condition all that she could do was, to offer Terms of Accommodation: But Fortune had so much favour'd the impetuous Violence of *Lewis's Arms*, that he would not hearken to any. And if afterwards he was contented to receive Proposals, 'twas for fear of those Leagues which he saw forming against him on all sides, and upon condition he should keep the greatest part of what he had usurp'd.

These were some of the first Marks of the *sincere and unfeigned Friendship* of his most Christian Majesty towards a King who was not only a Minor, but his own Brother-in-law, and Cousin German, to whom consequently he ought to have been both Father and Guardian. But this was not enough; for when in the year 1672. he had attack'd the

United

United Provinces in revenge for the care they had taken to preserve the *Spanish Netherlands*, and the Catholick King had assisted them, as by Treaty he was oblig'd, he on a sudden abandon'd all the Conquests he had made, consisting of forty or fifty strong Places, besides a vast extent of Land, to turn the strength of his Armies against the ruinous Remains of that miserable Country, in order to compleat the Conquest of it. The Emperor with his Allies snatch'd this Prey out of his hands, but were forced to sacrifice by the Peace of *Nimeghen* all the Frontier Places he had taken, by which means he became Master of the Avenues, and the Country still remains open and expos'd to his Invasions. And indeed from the time of that fatal Treaty, to the last at *Reswick*, all manner of Rapine and Plundering has been permitted by him, to ruin what he could not take.

During the interval which passed between the Treaty of *Nimeghen* and the beginning of the late War, and which was more fatal to *Spain* than an open Rupture, the *French Court* began to show what they are in time of Prosperity, when all things yield to their Genius and Ambition: They had already divided their Enemies at the Treaty, they had form'd a Revolt in *Hungary*, which kept the Emperor employ'd; and the Invasion of *Austria* by the *Turks*, undertaken at their Instigation, would, in their account, drive him out of his hereditary Countries. No Conjecture could ever be more favourable to the great Designs they had concerted with that cruel Enemy of *Christendom*, their antient Ally. Accordingly they took hold of the occasion, and gave the Catholick King fresh proofs of this *sincere and unfeigned Friendship*. They began with the Blockade of *Luxemburg*, which they had never dared to attack in time of

of open War; but that place not surrendring so soon as they expected, they besieg'd it in form, and took it. And as if it had not been enough treacherously to break a solemn Peace, they went on to compleat the ruin of the *Spanish Netherlands* by the most barbarous Extortions: They burnt, plunder'd, and exercis'd all manner of Violence to destroy the Country, and expel the Inhabitants; and were like to render it as frightful a Desert as they made of the *Palatinate* afterwards, if the frequent Defeats given to the *Turks*, and their fears of uniting the Empire, and the two Maritim Powers against them, by the continuation of their Ravages, had not forc'd them to a greater reserve.

But to what end should I renew the fatal Remembrance of those unhappy times, since we need only read the rest of the Treaty in question, to see the finishing strokes of the Work? *His Catholick Majesty having no Children, the business of the Succession will infallibly raise a new War, if the most Christian King should maintain his own Pretensions, those of Monseigneur the Dauphin, or his Descendants, to the whole Succession of Spain; and if the Emperor should also insist upon his Pretensions, those of the King of the Romans, of the Arch-Duke his second Son, or of his other Children Males or Females, to the said Succession.* This Turn is admirable: The most Christian King by placing his Pretensions in a Parallel Line with the Right of the Emperor, aspires at first to an Equality; then proposing a Division, as a plausible means of preventing all Contestation, pretends to some Merit, by contenting himself with half instead of the whole. Indeed the Artifice is subtle, but a few words will easily discover the foundation of all his Pretensions.

The

The most Christian King has renounc'd the whole Monarchy of *Spain*, as well for himself as his Descendants, by stipulating and accepting the Renunciation of the Infanta *Maria Teresa*, made before she was his Wife; and thus violates this Contract, which was one of the most solemn and authentick that ever was made between Sovereigns: And all this founded upon the vainest Sophisms of the Bar, which are of no force against Publick Treaties; because these are Contracts made *bona fide*, authoriz'd by the Law of Nations among all People for the common benefit of Mankind. This is the sandy Foundation of his pretended Rights: He produc'd them in the *Manifesto* I mention'd before, and contenting himself with the formality, refer'd their Verification to the force of his Arms; which is a new method of Law, that has since been of admirable service to him in all his Designs. But what was there in that *Manifesto*, but a continued thread of captious Reasonings, which however supported by the most crafty Disguises, were only capable of imposing upon the simple and ignorant? The Author's Sentences are ambiguous, his Authorities remote from the Subject; and where he cites the Laws and their Interpreters, he omits the most important Passages, perverts the true sense of the words, and confounds the Sovereign with the Commoner. What shall I say more? he falsifies known History, affirms most apparent Falshoods, and denies the most evident Truths. Thus trampling under foot that Justice by which he stands condemn'd, proving nothing, and enlarging in false Deductions, he sheds the Poison of his Malignity, upon whatever has been most solemnly establish'd by the Law of Nations, for the common good both of Sovereigns and People, as

The Pretensions of France to the Monarchy of Spain groundless.

has

has been fully prov'd in the Answers to that Libel, to which the *French* have never dared to reply.

The most Christian King cannot be ignorant, that the Renunciation of Queen *Ann* of *Austria*, his Mother, which excludes both her and her Descendants from the Kingdoms, and other Dominions of the Crown of *Spain*, was the preliminary Condition of her Marriage with the King his Father, stipulated as such, and accepted in the Contract, after the most authentick manner:

That this Renunciation was esteemed in *France* to be so just, and so necessary for the good of the Kingdom, that his Sister the * Princess *Eliza-*

* Histoire
du Card.
de Richel
l.2. Gram-
mond, l.13.

beth, whose Marriage with *Philip* the Third King of *Spain* was then treating, was obliged to make the like, excluding both her and her Descendants from the Crown of *France*: In consequence of which the Princess *Henrietta Maria*, her younger Sister, did the same in the year 1624. upon her Marriage with *Charles I.* King of *England*, as the Historians of *France* witness. Which Examples,

† Du Hail-
lan tom.2.

with many others of † elder times that might be added, are sufficient to prove, that there was neither Novelty nor Surprize, and consequently no Injustice in the Renunciation of Queen *Ann*; and that if *France*, which by virtue of their pretended Salique Law, excludes all Females from the Crown, did think convenient to take this Caution, the Argument will be much stronger, that *Spain*, which admits them, as far as their Admission may contribute to the Good of the Kingdom, should, and ought to take the same care for their own Preservation.

Neither was it possible to conceal from so sagacious a Monarch, that the mutual Renunciations of the two Queens were not only the principal Conditions of the two Contracts, but that the

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the subsequent Exclusions, stipulated in the same by the two Kings, ought to have the force of a Law, or Pragmatick Sanction within their Kingdoms; and that the Catholick King had perform'd this Condition on his part, by passing the Exclusion of his Daughter Queen *Ann* into a Law, at the desire of the States assembled at *Madrid* in the year 1619. as King *Lewis XIIIth* ought likewise to have done by causing it to be registred in the Parliament of *Paris*, according to the antient usage of the Kingdom, and as he had solemnly oblig'd himself to do by the Contract. This Principle being thus establish'd, the most Christian King cannot pretend that his Marriage with the Queen *Maria Teresa* should give any more Right to his Son the *Dauphin*, and his Descendants, than that of Queen *Ann* his Mother with the King his Father, had given him, because the Renunciation of the late Queen his Wife refers to that of Queen *Ann*, is founded upon it, and agrees with it in every essential Point, as may be seen by comparing the two Contracts as far as they relate to the Renunciations, together with those Acts that were passed on both sides in consequence of them.

Who would not be surpriz'd at the Disingenuity of the Author of the *Manifesto*, who, to avoid the force of these Acts that destroy all his Sophisms, endeavours to seduce Men into a Belief, that the two Renunciations of the Infanta were only private Acts between the Catholick King and Her; and by a notorious Malignity would confound the Articles of the Contract, to which they relate, making but one Text of the 4th, 5th and 6th Articles, in order to corrupt the Sense, not only contrary to the Faith of a Publick Treaty, but much more to the Honour and

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Glory of the most Christian King? And by the way, 'tis to be observ'd, that there are two sorts of Exclusions stipulated, as well in the Contract of the Queen *Maria Teresa*, as in that of Queen *Ann*, with this Clause, That the Infanta shall pass a separate Act of Renunciation upon each. By the first, she was to renounce her legal Share, in consideration of her Dowry mention'd in the second and fourth Articles: By the second, she renounc'd all manner of Right to the Kingdoms and Dominions of *Spain*, as may be seen in the fifth and sixth Articles; this last purely and simply in consideration of the Publick Good of the two Kingdoms, without any other reason, or any relation to her Dowry. The Infanta perform'd the Conditions; the Acts are publish'd, and the bare reading of them is sufficient to destroy all the false Suppositions of the *Manifesto*. Neither is it possible to see what Service he has done to himself or his Cause by his Falsification of the Articles of the Contract, and his disingenuous Endeavours to make the two Renunciations to depend upon the Payment of the Dowry, unless to expose himself to publick Laughter, for pretending to put the whole Monarchy of *Spain* to sale for the Sum of five hundred thousand Crowns, which, he says, were never paid. In my opinion he would have better consulted the Glory of his Master if he had not touch'd upon this string, since whatever delay there was of Payment, 'tis wholly to be imputed to him for not accomplishing an antecedent Obligation of the Contract, which was to approve and ratify the Renunciations in conjunction with the Queen immediately after their Marriage, and to see them register'd in the Parliament of *Paris*, as he had oblig'd himself to do. Besides these there are

are other reasons, which I omit, as not properly belonging to my Subject.

But if we should think it possible that such essential Truths were disguis'd or conceal'd from the most Christian King, 'tis not rational to believe, they could deal so by him, in respect to the great Advantages he acquir'd by the *Pyrenean Treaty*, and were granted to him by the King of *Spain*, in consideration of his Marriage, which was the chief motive, and principal cause of the said Treaty, as the Peace of the two Kingdoms, that had been so long desir'd, was the Fruit of it. He must needs have seen in that Treaty, which he confirm'd by the Religion of a solemn Oath, that his Marriage-Contract, subscrib'd and ratified by himself the 24th of *Novemb.* in the preceding year, was to be of the same force and vigour, as being the principal and most worthy part of the Treaty, as may be seen more at large in the 33^d Article. Which is more than sufficient to confound all the Exceptions of Fact and Right, which this vile Writer has advanc'd against its Validity.

I have insist'd the more upon this Head, that I might shew the Vanity of the *French Pretensions* to the Succession of *Spain*; reserving those of the Emperor, to be explain'd in another place. In the mean time I return to the mysterious expressions of *Tenderness*, and considerations for the Publick Good, which the *French* and their Allies have used, to cover the Injustice and Enormity of the Partition Treaty. The third Article will make the Discovery. And as the two Kings, and the Lords States General, desire above all things the Preservation of the Publick Peace, and to prevent a new War in Europe, by an accommodation of the Disputes and Differences that might arise upon the Subject of the said Succession, or the Umbrage conceived

from the Union of too many Dominions under one Prince : They have thought good to take such necessary measures before hand, as may prevent the Evils, which the sad event of the Catholick King's death, without Children, might produce. Here the intriguing Scene begins to open ; and the Preservation of the publick Peace, with the desire of preventing a new War, that hitherto had acted in disguise, are preparing to make room for the Ambition of *France*, which will act its part without a Mask. No War will ensue about the Succession of *Spain*, unless caused by the most Christian King ; which he may avoid, if he will only keep himself within those Limits, which the Law of Nations, and Customs receiv'd among all civiliz'd People, have prescribed for the Decision of the Pretensions of Sovereign Powers. 'Tis an undoubted Principle among the Lawyers, and acknowledged by a * *French* Historian of good credit, that all Rights, Donations, Contracts and Inheritances, in which Sovereigns are concern'd, should be treated and determin'd by Maxims of Dignity, by the Publick Law, by Reason of State, and with regard to the Good of Kingdoms ; and not by the Vulgar Axioms of the Bar, much less by Conclusions dictated by Flattery. According to this Principle founded upon natural Equity, if the most Christian King thinks he has any well-grounded Pretensions to the Crown of *Spain*, 'tis his part to represent them in due form to the Catholick King, and require him to get them acknowledged by the States of those Kingdoms and Principalities that are under his dominion : which was the way taken in *France*, during the Famous Dispute about the Succession, between *Edward* King of *England*, and *Philip de Valois* ; and follow'd by *Philip* the 2d in pursuit of his Pretensions

* In-
vent del'
Hist. de
Fr. to. I.

ons to the Kingdom of *Portugal*. Or if this Method did not please him; why would he not try the way of Arbitration; or the Decision of some Tribunal, to be agreed upon by both Parties? For if it be accounted sufficient among Sovereigns, to publish a Manifesto, and to verify their Pretensions by the Sword, what security will there be henceforward against the Invasions of a more powerful Neighbour? what Bank shall we oppose against the Ambition of *France*? who produce nothing but vain pretexts, and this only for the sake of formality, as we have seen but too often under this Reign.

Philip 2. who in this unworthy Manifesto stands accused, of giving no other reason for his Enterprize against *Portugal*, than that *he knew the Justice of his Pretensions, and that Kings could find no Tribunal upon Earth but their own Conscience*, acted in a very different manner upon that occasion. For he undertook nothing till he had consulted the most Famous Universities, and the most Learned among the Lawyers and Divines of *Europe*. And this, not under borrow'd Names, as his most Christian Majesty might do, in his case of the pretended Devolution; since by disguising the Quality of the Persons, and the Nature of the things in dispute, the very Substance of the Fact was destroy'd, and consequently the Good meaning of the Lawyers and Divines abus'd; but propos'd the Case just as it was, without any disguise; and by that fair and open way of proceeding obtain'd the Commendation of all the Historians of that time. He did yet more; for before he made any other step, he dispatch'd three Ambassadors, one after the other, to the Cardinal *Henry*, King of *Portugal*, and to the Estates of the Kingdom assembled at *Almeirin*, to inform them of his Right,

Right, and ask their approbation. And when the Kingdom became vacant, he waited Six months longer, to obtain by the Peoples consent, what the Estates had already voted him, as the Nearest and Eldest of the Male line ; no right of Representation, nor any other Law in *Portugal*, being any way contrary to his admission. When afterwards he took Arms to put himself in possession, he was necessitated so to do, in order to oppose the Grand Prior of *Portugal*, who at the Instigation of *France* attempted to usurp the Kingdom. By these means that wise King establish'd the Justice of his Pretensions. Whether the most Christian King acted in like manner before he invaded the Low Countrys in 1667, is left to the decision of, all that will make the Comparison.

That great King, who has so often been the Object of the poisonous Passion of *French* Writers, gave an Example of Justice and Moderation, no less remarkable than the former, in a Case not unlike that which is now in question. The Infanta *Isabella*, his Daughter by *Elizabeth* of *France* who was his third Wife, and Daughter to *Henry* the 2^d, was considered as Heiress to the Crown of *France*, after the Death of her Uncle *Henry* the 3^d, who left no Children. The Queen her Mother had not renounc'd : She was the last of the Reigning Branch ; so that she had the Right of Nature and Blood on her side, which the *French* make so much noise about, when they speak of the late Queen, tho they have no regard to those things among themselves. Besides, the Example of *Catherine* of *France* was favourable to her, who being Daughter to *Charles* the 6th of *France*, brought that Crown to *Henry* the 5th King of *England*, as well by virtue of her own Title, as in confirmation of the Antient Right which the

English

English derived from *Isabella* Daughter to *Philip* the Fair. This Settlement was made in the Presence, and with the Consent of her Father; authorized by solemn Declarations of the Parliament, to the prejudice of the Princes of the Blood, who had a Right to the Succession, according to the pretended Salick Law, tho the *Dauphin* had render'd himself unworthy by the Crime of which he was accused; and all this confirmed twelve years after, at the Coronation of *Henry 6th*, the Son of *Catherine*.

Let us see then what method was taken by *Philip* to establish the Justice of her Right. The President *Jeannin* being arrived at *Madrid*, with Commission from the Catholick League, to implore his assistance against the *Huguenot* Party, who began to grow very formidable, the King let him know, that whereas the Crown of *France* did of right belong to the Infanta his Daughter, if the States of the Kingdom would consent she should be married to the Archduke *Ernest*, he would settle the Low Countrys upon her, in favour of that Match. And when the Estates were assembled at *Paris* in the Year 1593. for the Election of a Catholick King, he gave order to his Ambassadors to present them with a Copy of this Right; but finding them resolved to have no other King than one of their own Nation, he consented, that after the Infanta had been declared Queen, she should marry the Duke of *Guise*, who was a Prince born in *France*, whose Father and Grandfather had preserv'd the Religion of the Kingdom. And tho the Jealousy of the Duke de *Mayenne* broke this second Expedient, yet no Man could perceive, that the Refusal of the League had provoked the King against them, or made him desist from sending them assistance for

for the support of Religion ; far enough from prevailing upon him to use his Power (which at that time was almost as formidable, as *Lewis* the 14th's is now) to maintain his Right by force. He had generously maintain'd the Catholick Religion in *France*, with vast expence of Men and Treasure, and by that means neglected the Reduction of *Holland*, which has since brought so many losses upon his Successors. Besides, the King of *Navarr*, who pretended to the Crown as a Prince of the Blood, tho ten Generations remov'd, was a relaps'd Heretick, Head of the *Huguenot* Party, and as such excommunicated by the See of *Rome*, and, which is more, declar'd by the Estates incapable of the Succession. To this we must add, that tho by the First Proposal, *Philip* would have placed the Crown in his Family, yet in requital, its Lustre and Power would have been increased by the Accession of the *Netherlands* : by the Second, he preserv'd the Grandeur of the Nation, without any Diminution or Dismembring ; and by both Expedients, secur'd the Catholick Religion against Heresy, which under an heretical King would have been predominant : and that this was his only Aim, appears by what is said.

But to give all the advantages we can to the *French*, let us suppose the Pretensions of the Infanta to have been ill grounded, which is not so, for we have prov'd the contrary : what would *France* have said, if *Philip* had made use of the Plausibility of that pretext, to begin a War ; and if, to attain his ends, he had sacrificed Religion both in *France* and *Holland*, reviv'd the Antient pretensions and National hatred of the *English*, divided the Inland Provinces among the Nobility, and excited all the Neighbouring States to second him,

him, inviting them with such a share of the Frontier Places as they should esteem most convenient for them? What would they have said, if they had seen the Envoys and Ambassadors of *Philip* employing all kind of Intrigues and Artifices in Foreign Courts, to bring them by force or fraud into this unjust Partition, and taking a Deed of Consent from all that would be concern'd, attempting to surprize the Justice of a Conclave, by denying his Suffrage, and that of the Cardinals his Creatures, unless at the price of this shameful Sacrifice? 'Tis in this place that I ought to demand Justice from *France* against her own Example; and accepting her for Judg in her own Cause, require her to pass a just Sentence upon her own Conduct.

This Example of *Philip*, which the *French* cannot deny, clearly demonstrates, that the House of *Austria*, at the utmost height of her Power, was always averse from the use of these pernicious Maxims to satisfy that Ambition, of which she has been so injuriously accused; and by a just comparison, how dangerous that of *France* is to all *Europe*, since she makes no difficulty to prostitute whatever is esteem'd most sacred in human Society. By the same Comparison we may judg where to place that *Umbrage of too many Dominions united under one Prince*, which is produc'd in the Treaty for a second Reason of avoiding a War. We may add also, that if *France* was able to maintain her Power and Advantages with so much success in the last, not only against the Forces of the House of *Austria*, but against those of the Empire, *England* and *Holland*, either of which alone would have been formidable to them fifty years ago, no colour of doubt can possibly remain.

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If the Crown of *Spain* passes from the Catholick King to the Arch-Duke *Charles*, the House of *Austria* increases not in Power, the State of *Europe* remains the same; and I am perswaded, that all those Nations which the *French* endeavour to fill with Suspicions, will like it so well, that none of them would oppose such a Disposition, if the *French* should lay aside their turbulent Practices.

These *Umbrages* might have been reasonable under the Emperor *Charles V.* who possess'd the Hereditary Dominions of his Family with those of the Crown of *Spain*, especially at a time when *France* was not near so powerful as at this day. But the face of Affairs is so much alter'd since the division of that August Family into two Branches, that even from the time of *Philip* the Second, Son to that great Emperor, and his Successor in the Dominions of *Spain*, her Power began to decline, and consequently that of *France* to rise; which made so great a Progress in a short time, that the most irreconcilable Enemies of the *Austrian* Family, changing the Object of their Fears, made haste to her Defence, astonish'd at the unexpected Change, which convinc'd them in despite of the Illusions of *France*, join'd to all the force of Prepossession, that her Power was far from being establish'd upon so solid a Foundation as that of her Rival. And if *Henry* the Fourth, whom I mention'd before under the name of King of *Navarr*, after his Accession to the Crown, did insinuate to the Protestant Princes and States, that *these Umbrages* and too many Dominions in the two Branches, were a sufficient cause of Jealousy, 'twas in order to flatter their Ambition, and because he knew their ill-will to that August Family, as well out of hatred to the Catholick Religion, as from a desire of enriching themselves

selves with her Spoil. And if, in conformity to
 these Views, he drew that chimerical Plan of a
 Christian Commonwealth to be divided into fif-
 teen parts, by which the Catholick King was to
 be reduced to the Continent of *Spain*, and the
 German Branch to the two *Austria's*, his design
 was no other than to excite those who were to
 have any advantage by this dismembring, to enter
 into the Project with greater Zeal, and to take the
 principal Profit to himself : An Enterprize that
 appear'd so full of danger to *Elizabeth* Queen of
England, that tho she was the chief Protectress
 of the Protestant Religion, as well as a declar'd
 Enemy to *Spain*, she commanded her Ambassador
 to tell him, that if she should ever enter into the
 Design, the Condition should be, that the *French*
 should not have one foot of ground more than
 they already possess'd. Now, if this Caution was
 thought so necessary, at a time when that Crown
 was not yet in a condition of giving Jealousy to
 her Neighbours, and this by a Princess who had
 so unquestionable an Interest to lessen the Power
 of *Spain*, what ought to be done at present, when
France has turn'd the Scale that kept the two
 Houses equally poiz'd wholly to her own side,
 and put her self into a condition to oppress all her
 Neighbours at pleasure ? There remains there-
 fore nothing more than to examine those wholesom
 Measures which the three Allies have jointly
 taken, to secure the Peace and Tranquillity of
Europe.

'Twould be superfluous to insert the fourth and
 sixth Articles, which contain these judicious
 Measures ; or those that follow, which tend to
 make sure of the Maritim Powers to warrant the
 Treaty, and to perswade them of the sincerity
 of *France* in the Execution, as well as to break

No Securi-
 ty in any
 Treaty to be
 made with
 France,

all the Measures that might be taken by the House of *Austria* to defeat the Design. 'Tis sufficient to examine the Substance by the great, to demonstrate that the Promises of the *French* are mere Illusions, made only to attain their Ends, which when they have compass'd, they certainly know that no Guarantees shall be able to stop their Career. So that the matter in dispute is not, whether they will execute the Treaty, or not ; for, being wholly to their advantage, there is no doubt to be made of the Execution : But the Question is, Whether they will keep themselves within the bounds of the Treaty ? which is a thing that all *Europe* cannot warrant. No Treaty was ever made, with that Crown during the whole course of the last Age, in which care was not taken to prevent all the *Chicanes* they could possibly ground upon ambiguous Words, difficult Passages, or Irregularities of Stile and Law ; and yet all these Cautions could never hinder them from putting false Interpretations upon the Text, and pretending Nullities in Law, whenever they found it convenient. Thus, to go no higher, they dealt by the Treaty of *Munster*, in which they found out Titles enough to induce them to seize both *Alsatia's*, together with all that lay convenient for their Designs upon the *Saar*, the upper *Rhine* and the *Moselle*. All the Precautions that were taken at the *Pyrenean* Treaty to oblige them to abandon *Portugal*, and to put the Renunciation of the late Queen out of dispute, prov'd ineffectual. And for the Treaties of *Aix la Chapelle* and *Nimeghen*, they violated both, with so little reserve, and so continually, that they seem'd to have acquir'd a right to make Infractions. After these Examples of so fresh a date, what Judgment can be made of this ? Is it conceiv'd in more clear and express Terms ?

Terms? Is the Form more authentick? Have the Treaters taken any Oaths more binding than those made upon the Gospels? Have they found out a new Law of Nations, a new publick Faith, and another Religion? Or, has any one of those Angels that preside over Monarchies, given security for its duration? But if none of these things be, I demand, what means we have left to oblige the *French Court* to observe this Treaty? Will they change their Genius or Maxims? And shall not the same reason of having got much, serve to intitle them to take more, even by a Rupture?

Things being so, can Men look upon the following Clause stipulated in the fourth Article any otherwise than as a mere Illusion? *The most Christian King, as well in his own Name, as in that of Monsieur the Dauphin, his Male Children, Heirs, and Successors, born or to be born; as also Monsieur the Dauphin for himself and his Children, Male or Female, &c. promise and engage to renounce, at the opening of the said Succession of Spain, as in this case they do at this time renounce, all their Rights and Pretensions to the said Crown of Spain, and to all the other Kingdoms, Islands, &c. all which they shall confirm by solemn Acts, in the most authentick and best form that may be: Or, upon that in the fifteenth Article? All the Acts made in consequence of the Treaty, or that have relation thereunto, and especially the solemn Acts which his most Christian Majesty, and Monsieur the Dauphin, are obliged to give by virtue of the fourth Article, shall be registred in the Parliament of Paris, according to their form and tenure, and usual custom. If the Marriage-Contracts of the two late Queens of France, and the Acts of Renunciation which they gave upon them, were not so well known, it would be easy to shew by the Contents of the fourth, fifth, and sixth Articles*

The Renunciations of the Partition Treaty mere Illusions.

ticles of those Contracts, that none of all these Conditions are there omitted, but on the contrary, so firmly stipulated, and attended with such provisional Clauses, that possibly greater care was never taken on both sides, to establish the security and duration of any Treaty. But because I have already touch'd upon this matter, and the Fact is so notoriously known, I shall content my self to repeat what the *Spaniards* said with so much Wisdom to the Ministers of *France*, during the Negotiations at *Aix la Chappell*: When the Ministers of *France* offer'd from the King their Master, a solemn Renunciation of all his Pretensions to the Crown of *Spain*, on condition they should let him keep what he had usurp'd in the year 1667. those of *Spain* made Answer, That after all the Precautions which had been taken to secure that of the Queen *Maria Teresa*, 'twas in vain to desire any other ; for if that was not valid, another would be less so.

The Guarantees not able to secure the Duration of the Treaty.

Upon the same Principle, the Guaranty of the Maritim Powers, and all others that should come in, may be consider'd as another Illusion. It may indeed serve to compel the Emperor to be contented with his Lot, but not to force the *French* King to content himself with his: For when he has taken possession of his Share without any opposition, he will easily be Master of the rest, as I shall evidently prove in the following part of this Discourse.

In every Guaranty there is requir'd, not only a steady and constant Will, but also a Strength sufficient to enforce the Observation of a Treaty ; neither of which is to be found here. For as to the Will, can we suppose it constant in *R — G —* who is old, infirm, and, which is more, liable to be cross'd by contrary Dispositions in his People ?

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Can we suppose it in the *United Provinces*, whose Government is so easily embarrass'd, and who, to obtain a present Peace, will always sacrifice a future Interest? What I here say of these Powers ought to be understood of all the rest, who either are subject to such internal Distempers, as make them unable to exert themselves, or have Enemies abroad, that necessitate them to keep a vigilant Eye upon Affairs at home. In this manner the Triple League, which has made so much noise in the World, was not only insufficient to defend the *Low-Countries* against the Invasions of *France*, but also turn'd to their Oppression, by the Facility which the *French* found to break that Alliance, and to dash the Allies one against the other. And we have lately seen the Guarantees of the Treaty of *Oliva* without motion, upon the Invasion of *Livonia* by the King of *Poland*, preferring their own Interest before all the Obligations of the Treaty. But if we can ground no Expectations upon the Will of the Guarantees, much less can we upon their Force: For besides that they may find Employment at home, or a Diversion abroad, by the Artifices of the *French* Court, I would fain know of what Consideration are the Forces of *England* and *Holland*, in comparison with those of *France*? and for those of the Emperor, they may have work enough to cover his Hereditary Countries against such Enemies as that Crown may arm against him. But let us for once suppose that the *French* will find as many Enemies as in the last War, which yet is utterly impossible; will they not have such an accession of Power, as must needs give them the Superiority? And if no essential Advantage could be obtain'd against them in that, what can we expect in this?

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*Indignity
and Absur-
dity of the
Motives to
the Treaty.*

If then the Precautions mention'd in the fourth and fifteenth Articles of the Partition Treaty are mere Illusions, and the Guaranty of the two Maritim Powers, with as many more as would engage, so insufficient a Security for performance, what might not be here said of the Indignity and Absurdity of the Motives upon which it is founded? They are full of Compassion for the Sickness of the Catholick King; they cannot *turn their thoughts towards the sad Event of his Death without Affliction, by reason of the sincere and unfeigned Friendship they have for him.* But to what end are these vain Expressions, unless to colour a Conspiracy form'd against his Crown, to put the *French* King into possession of the best part, and refer the rest to his discretion? Then, what can be more absurd than the Motive they alledg, pretending to rectify the Injustice and Enormity of the Partition by their intentions to prevent a War? And who does not see, that by the same Injustice they make it unavoidable? the Emperor's Right, the Interest of *Spain*, and the Security of *Europe* rendring a War indispensably necessary. For to pretend that the Emperor and the Catholick King should submit to the unjust Decree of these new Legislators, is what can never be requir'd of them with any colour of reason. Besides, 'tis the Interest of all Nations, to whom this Treaty is injurious, and like to prove fatal, to make this Cause their own; from whence a War must of necessity ensue, into which all *Europe* will be oblig'd to enter. But suppose these two Monarchs accept the Treaty to prevent a War, which would otherwise break out on this occasion; is the danger of another, much more pernicious, prevented, which may assuredly be expected from *France*, when she is become Mistress of

of her Lot? If the *English* and *Dutch* could by this Treaty sacrifice the Interest of the House of *Austria* and *Europe* to *France*, are they sure others shall not be forc'd to sacrifice them to that Crown by the first Treaty to be made? May not the Empire, the Northern Crowns, and other Nations concern'd in their Preservation, reproach them with their own Example, and excuse the refusal of their Assistance, under the same pretext of preserving the Peace of *Europe*? Let the *Hollanders* above all beware, lest they come to be the first Victims of this Sacrifice; for what would they have done in the War of the Year 1672, if the House of *Austria* had not generously deliver'd them from the Precipice by a speedy Assistance? And what will become of them upon the first * *ill Satisfaction* of the most Christian King, if * *Mani-*
that Family be no longer in a condition to assist *fest* of
them? *France a-*

gainst Hol-
land in
1672.

If the Peace and Tranquillity of *Europe* depended absolutely upon the Execution of the Treaty, the Emperor's Right might then be consider'd as a private Advantage, and as such be esteem'd subordinate to the general Good; the contrary of which is most true. For the Interest of his Imperial Majesty is that of all *Europe*, whose Peace and Security depends intirely upon the Preservation of the whole *Spanish* Monarchy in the Person of his second Son; which Truth is but too well prov'd already, and confirm'd even by the disposition of the Partition-Treaty.

In that Treaty the *French* King has stipulated for himself the Kingdoms of *Naples* and *Sicily*, divers Places and Islands situated upon the Coast of *Tuscany*, the City and Marquisat of *Final*, the Province of *Guipuscoa*, &c. all which Kingdoms, Islands, Provinces and Places are to be incorpo-

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rated

rated with his Crown, together with the Dominions of the Duke of *Lorain*, who in recompence is to receive the Dutchy of *Milan* for himself and his Heirs for ever. The Arch-Duke *Charles* is to have for his Lot *Spain*, with the other Kingdoms, Islands, Dominions, Countries and Places, possess'd at present by the Catholick King as well in *Europe* as elsewhere; but under two Conditions, First, That unless the Emperor accepts the Treaty within the term of three months after he is duly inform'd, the Treators shall agree upon a Prince to whom his Part shall be given; which is the substance of the 7th Article. Secondly, That this Part shall never be united or remain in the Person of any of his Descendants, or the Descendants of the Emperor, who shall be either Emperor, or King of the *Romans*.

These Conditions thus tack'd to the Lot of the Arch-Duke, being only so many Snares laid by the *French*, as well to make his part insignificant to him, as to have an occasion to seize the Whole into their hands, I shall endeavour to discover the artificial Contrivance of 'em, that none may be misled by them.

The Conditions subjoin'd to the Arch-Duke's Lot, so many Snares to bring it into the possession of the French.

1. The Lot stipulated for the *Dauphin* is to be incorporated with the Crown of *France*, which is already but too powerful; whereas that of the Emperor is to be the Apannage of a younger Son, and that upon condition never to be united by Succession, or otherwise, to that of the eldest, if he becomes Emperor; which is such a Disproportion, that, supposing the equality of the Lots, excludes all Comparison in point of Advantage, since that of the *Dauphin* augments the Grandure of *France*, whilst that of the Arch-Duke not only deprives the Emperor of his Right to the whole, but tends directly to overthrow his Power.

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2. The *French* King stipulates for himself what he knows would be most difficult to subdue by Force, *Lorain* only excepted, and leaves to the Arch-Duke the decay'd and ruinous Dominions of *Spain* and the *Low-Countries*, which cannot fail to fall into his own hands as soon as he is in possession of his Lot. That the Conquest of the Kingdoms of *Naples* and *Sicily* would be a work of the greatest difficulty, is apparent from the many fruitless Expeditions, which the Kings and Princes of the House of *Anjou* formerly made into those Parts: And therefore considering, that in attempting the Conquest by Sea, he should meet with Dangers from the Winds as well as from Men, besides the difficulty of making a Descent, the prodigious Expence of Fleets sufficient for such an Enterprize, together with the uncertainty of Success in a Country where the Government of *France* is look'd upon with horror; considering also, that to make such an Attempt by Land, he should be necessitated to march his Troops through the midst of *Italy*, which would unite all Parts against him, and give time to the Emperor to send them Assistance; he resolv'd to play a sure game, by comprehending them in his own Lot, that he might have them without a Blow.

3. That the Lot of the Arch-Duke must fall into the hands of the *French* as soon as they are in possession of their part, needs no Proof; since 'tis impossible for this Prince to keep *Spain*, when he can have no Assistance from abroad, nor any Communication with the hereditary Countries of his Family in *Germany*, whilst *France* is Mistress of the Frontiers, as well by her preceding Conquests, as by the design'd dismembring of *Guipuscoa*. In the next place, what Advantage will the *Low-Countries* be to him, unless to serve for a

Theater of eternal Wars with the Crown of *France*, which must of necessity be always triumphant, by reason of the Neighborhood of its Provinces, and the many Places they possess in those parts? In which the two Branches of the House of *Austria* will be intirely exhausted, only to preserve a Barrier for the *Dutch* against the Invasions of *France*, in recompence of the Irreparable Mischiefs they have brought upon their Family. In a word, what will be the Fate of the *Spanish* Provinces in *America*, and the *East Indies*, with the Islands they possess out of *Europe*, unless to become the Scorn of the *French*, *English* and *Dutch* Pirates? for if the *Spaniards* could not secure them in the height of their Power, what will they be able to do in this State of Desolation?

4. The Condition stipulated by the Treaters, to nominate a third Person to the Lot of the Arch-Duke, in case of refusal, can be considered no otherwise than as a double Snare laid by *France* for the Princes of the House of *Austria*, to deprive them by that means of what seem'd to be left them by the Treaty: in this respect more dangerous, because the Emperor could no way avoid it. For if he accepted the Treaty, he offended the Catholick King in the highest degree, and drew upon himself the Hatred of the *Spaniards*, which would certainly have determin'd them to settle the Crown upon a Son of *France*; to which the *French* Court would not have agreed, but upon advantageous Conditions: Possibly, they would have demanded the Low Countrys, under pretence they were troublesom and expensive to *Spain*; together with the Dutchy of *Milan*, to give to the Duke of *Lorain*, in exchange of his Dominions. On the other hand, if the Emperor refused

refused the Treaty, they would proceed to nominate another ; and then, by tampering with all, they would have sold their Suffrage to the highest Bidder.

5. This Condition covers yet a more dangerous Snare than the former ; for the three Powers not presently agreeing upon another Person, the *French* would take advantage, of that delay, and propose the Lot of the Arch-Duke to several Princes, as a Prey to be divided among them ; which would be a means to bring some of them off from their Alliance with the House of *Austria*, and to make others neglect their true Interest, in this great alteration of Affairs. So that if the Catholic King comes to die in this conjuncture, which is much to be fear'd, the *French* alone being in Arms, and their Forces already posted upon the Frontiers of *Spain*, they may easily make themselves Masters of the Seat of the Monarchy, and by that means secure the Conquest of the Rest : for 'tis not to be presum'd, that the *Spaniards*, under so great a Consternation, would sacrifice their Estates, Families and Fortunes, to keep the Places, in which they command, for the Arch-Duke, when they see him excluded from the Crown ; and if any of them should be so zealous, how could they be sure of the Fidelity of the Garisons that serve under them ?

6. The *French* may not only take advantage of this Delay, to seduce some and amuse others, whilst they fortify their Party in *Spain*, as well by their Intrigues, as by the Terror of their Arms : but the Opportunities they would have in the principal Courts of *Europe*, to lure them into their Interest, or at least to perswade them to enter into the Guaranty of the Treaty, would no less contribute to facilitate their grand Design. And 'tis

'tis to be fear'd, that by these means they may engage such a Party, that both *England* and *Holland* would find difficult to break, whenever they shall return to their true Interest. 'Tis well known what Divisions reign in the Empire, and in the North, and how many several ways the *French* have to give the Emperor trouble, even in the remotest parts of *Germany*.

7. If R—G— by the Scheme of the Partition, design'd to interest the House of *Austria* in the Defence of the Low Countrys, without rendring them too powerful there; and at the same time, to oblige the *French* to turn the Strength of their Arms from that Frontier, by engaging them in an *Italian* War, 'tis certain he could not take any Measures less conducing to that End. For if all the Power of that House could not maintain those Provinces against *France*, confin'd to its own limits; what can now be done, after so vast an addition of new Acquisitions? And who can tell, whether the people of those Countrys, weary of suffering as much by the fruitless and burdensom Succours of the Maritim Powers, as from the Invasions of *France*, will not desperately throw themselves into the Arms of that Crown? Then as to the Diversion pretended in *Italy*, if the *French* King becomes Master of *Spain*, either for himself or one of his Family, to which things seem to tend more and more every day; either he will find little difficulty in seizing the *Spanish* Dominions in *Italy* as accessional to the Head, for the Reason I mention'd before; or else there will be no diversion at all. But if, on the other hand, the Treaty produce its effect, and the two Branches of the House of *Austria* be depriv'd of a Mutual Communication, *France* furnish'd with means both of diverting the Emperor's Arms by

an intestine War, and embarassing the Affairs of the two Maritim Powers, a War in *Italy* can neither be difficult nor lasting. Besides, the Success of *France* in that Country, will deprive those Powers for ever of their whole Trade to the *Levant*, as I shall show presently.

Tho the Points last mentioned are sufficient to alarm all *Europe*, if the approaching Dangers be duly consider'd; yet the Court of *France* is so indefatigable in using all her Arts to disguise or conceal the dismal Prospect, that I think my self obliged to discover the common Peril, and to prove with demonstration, that tho the *French King* should not get one foot of ground upon the Death of his Catholick Majesty; yet if he can procure his Dominions to be divided, such a Dismembring alone would place *France* in the Throne of the Universal Monarchy, to which she has such a vehement desire.

If the *French* scatter their Treasures in all the Courts of *Europe*; if they amuse one part, and draw the other into their Interests; if they imbroider people on all sides, only for the sake of imbroiding; if they maintain great Armies, which exhaust their Country; in a word, if they move Heaven and Hell, to make as many Enemies to the Emperor as they can, and to seduce his Allies, no Man ought to wonder. For this is a Master-game; and if they succeed, they will be reimburs'd with Interest, and become absolute Arbitrators of *Europe*. The great business of *France* is to triumph over her Rival, which cannot fail, if she be permitted to tear up the Foundations of her Power, by dismembring the Dominions of the *Spanish Monarchy*: for so soon as the House of *Austria* shall cease to be the Ballance of her Power, no other Bank will be capable of putting a stop to her Rapidity and Violence.

The Dis-
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Violence. And here I cannot but wonder at certain speculative Politicians, who either through Humour or Prepossession, look upon the Danger without Concern, relying upon trivial, antiquated and unseasonable Maxims. They will wait for a Remedy from time, which will either never come, or will come too late; and they doubt no more of Revolutions, which depend intirely upon Chance, than they do of Evangelical Truths; even inferring from the present Grandure and Elevation of *France*, a necessity of her approaching Ruin. If these Enthusiastick Politicians had well examin'd the present State of *Europe* and that of *France*, I am sure they would reason in another manner. But I shall only desire they would consider the Example of the *Ottoman* Empire, and then blush at their own Indiscretion: For if this vast Power has already continued above four Ages, 'tis to be presum'd that of *France* may last longer, especially considering all those Maxims so proper for Conquest, which she has not only copied from thence, but taken care to observe in the most punctual manner, both at home and abroad: 'tis therefore their business to consider, whether this kind of Government will agree with them or not, for they must determine, and that speedily.

Advantages of the French Lot.

As the Execution of the Partition seems to be the grand Object of the two Maritim Powers, 'tis necessary to shew what Advantages the *French* will obtain by their Lot, in order to their grand Design, which is to render that of the Arch-Duke so burdensom to him and his Family, as may pave the way for them to seize it upon the first War. I shall begin with the Kingdoms of *Naples* and *Sicily*, which are the first in order.

In this place if we only consider the fruitfulness ^{Usefulness} and abundance of all things in those Kingdoms, ^{of the} and the use *France* will make of them when they ^{Kingdoms} are reduced to the foot of the *French* Govern- ^{of Naples} ment, 'tis certain, to go no farther, that they ^{and Sicily} will be more advantageous to them than all *Spain* ^{to France.} under the present Desolation will be to the Arch- Duke. These two Kingdoms, which were called the Nurseries of antient *Rome*, and justly esteem'd such by *Rome* modern, will plentifully furnish their Armies both by Sea and Land: And if they have been worth to the *Spaniards* four Millions of Crowns by year, we may modestly compute they will be worth six to the *French*. But their Ambition will not be satisfied with this single Advantage, they aim at the Conquest of all *Italy*, and those Kingdoms will facilitate their Design, and render them so formidable in the *Mediterranean*, that no other Nation shall dare to show themselves upon that Sea without their permission.

The *French* have always consider'd the Con- ^{Naples and} quest of *Italy* as more conducing to accomplish ^{Sicily se-} their grand Designs, than any other; this was ^{cure the} the Motive of all those Attempts they formerly ^{Conquest of} made upon the Duchy of *Milan* and Kingdom of *Italy* ^{to} *Naples*, as the most proper places to begin their ^{France,} Enterprize. But what Conquests soever they had the fortune to make there, they could never preserve them for want of a Communication with *France*, which was always disputed either by Sea or Land. The History of the Reigns of *Charles* the VIIIth, *Lewis* XII. and *Francis* I. are full of the Relations of those Attempts, and of the ill Success that follow'd them. And if the Revolutions ensuing in *France* from the death of *Henry* the Second, Son and Successor to *Francois* I. to the grand

grand Pacification under *Henry the Fourth*, put them out of a condition of having any such thoughts : Yet no sooner was the Kingdom quieted within, but those Designs were again reviv'd. The Duke of *Savoy* was the first that felt their Arms, and was forc'd to save himself by a disadvantageous Treaty. They did more under *Lewis the XIIIth.* Son to *Henry* : For tho he was often imbarass'd by intestine Revolts, yet he carried a War into *Italy*, and secur'd himself a Passage into those Countries by the Acquisition of *Pignerol*, after he had fail'd in his design upon *Casal*, which would have extended the Line to the middle of *Lombardy*. But the Measures which have been taken under the present Reign, could not have fail'd to succeed, if they themselves had not given occasion to break them : For having consider'd, that without a Line of Communication they should never make any lasting Conquests, they saw this Line must be drawn quite down the *Po* to the *Adriatick* Sea, by which *Lombardy* would be divided, and they in a condition to act as they found convenient, on the one or the other side. They were in possession of *Pignerol*, which lies at the foot of the *Alps*, and gave them an easy entrance; and the next step they were to take was to post themselves somewhat lower. To this purpose the City of *Casal* seem'd most convenient, because strong by Nature, situated upon the *Po*, and commanding the *Milanese* and *Montferrat* : Accordingly they purchas'd it at a dear rate of the Duke of *Mantua*, and after they had fortified it with the utmost care, made it their Magazine, and fill'd it with all kind of Ammunition ; they cast their Eye upon *Guaftalla*, situated a little lower upon the same River, and treated with the Duke who was Proprietor, for liberty
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to fortify, and put a *French* Garison into that place also. This Design, which was laid with great Circumspection, could not have fail'd to make the *French* King Master of *Lombardy*, and consequently of all *Italy*, to which that Dutchy serves for an Outguard. For tho there are many important Places between *Cazal* and *Guastalla*, such as *Valenza*, *Pavia*, *Alexandria*, and *Berselli*, they could not have held out long against so great a Power, taken up only in this War; and on the other hand, furnished with means sufficient to divert the Forces of the Emperor and Catholick King in other places.

But whatever the *French* have lost by embracing too much at once, they recover again with interest, and without a Blow by the Treaty. The Project, I just now mention'd, would have been attended with some difficulty; the Attack was to be made on the Stronger part of *Italy*; great Rivers were in the way; divers fortified Places to be taken; all which would have given time to the Catholick King to reinforce his Troops, and to the Emperor to assist him. But if the Kingdoms of *Naples* and *Sicily* come once into their hands, and the State of *Milan* into those of a Prince of little Power, like the Duke of *Lorain*, what can hinder them from subduing all *Italy* when they please? 'Tis an undeniable Truth, that *Italy* alone cannot resist the *French*. But grant they could raise an equal number of Troops to oppose them, which is impossible, they would always be inferior in goodness: for what hopes can they ground upon Men raised in haste, without Discipline and without Officers; besides the Disorder and Confusion, which will be found in a Conjunction of divers small Bodies of Men, drawn from the several States that compose that Country, each

of them having particular Views, and distinct Interests? For these Reasons 'tis absolutely necessary to have foreign Assistance to save *Italy*: and from whence shall it be obtain'd, unless from the Emperor, or King of *Spain*? But how shall their Succours be introduc'd, without a Line of Communication between the two Branches, and without a Foot of Land to subsist them? Nothing could hinder *Francis* the 1st from subduing *Savoy* and *Piedmont*, which are the Ramparts of *Italy*, at a time when his Forces were balanc'd by those of *Charles* the 5th, and for the most part inferior; nor, in succeeding times, *Henry* the 4th, and *Lewis* the 13th from filling *Lombardy* with their Troops, and rendring themselves Arbitrators of all differences, tho the Catholick King had then very considerable Armies in the State of *Milan*, which might be continually re-inforc'd by Assistance from *Germany*. In a Word, nothing has been able to hinder *Lewis* the 14th from exercising a despotick Authority in *Italy*, during the whole course of his Reign, especially in *Rome*, and against the Dignity of that See; that others might learn submission by their Example. *Italy* has never been so much insulted by *France*, as under his Reign. He carried his indignation so high against the *Corse* Guard in the time of *Alexander* the 7th, that the Pope was compell'd to purchase an Ignominious Peace; to save the Country from the Fury of his Arms. And all Men know, how incessantly he persecuted *Innocent* the 11th after the most enormous and scandalous manner, as well in his Ecclesiastical Superiority, as his Temporal Sovereignty; maintaining in *Rome* a Sanctuary for the worst of Crimipals, by open force, in contempt of the Supreme Authority, and the Laws of the City.

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He went yet farther, and attack'd him in his Person, procuring him to be declar'd, by an Arrest forc'd from the Parliament of *Paris*, to be a *Jansenist*, a *Visionary*, a *Quietist*, and a Favourer of Hereticks ; and this Piece he caus'd to be publish'd throughout all the Towns of his Kingdom. All these Persecutions were endured with exemplary patience ; and yet the Pope's Crime was no other, than that he assisted the Emperor against the *Turk* : but that was a Crime which in the Sense of *France* could not be punished with too great severity. What shall I say of the Bombarding of *Genoua*, which was executed by his order, under the most frivolous pretext ? and yet a Reparation extorted from that Republick, in so haughty a Manner, as shew'd a Design of signaling the Affront by another of a more mortifying nature. What might not be said of his despotick way of treating the Duke of *Savoy*, who was so nearly related to him, and lived in a most respectful dependance upon him, prescribing such things as tended to the Ruin of his Dominions and Family, as all the World saw, when he endeavour'd to send him to *Portugal* for a Wife, who by detaining him in that Country, might give the Crown of *France* an Opportunity of making all sure in *Savoy*, under the Name of his Mother. Did he not also forbid the Uncle of the said Duke to marry without his consent, which perhaps he would never have given ; that when the Reigning Branch should come to be extinguish'd, he might substitute the other, consisting of Princes born in *France*, who should purchase his Protection at a dear rate ? These things have been done lately, and I only mention them by the way, to shew what may be expected when ever the *French* grow powerful in *Italy*. For if they have exercised so

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despotical an Authority in that Country, at a time when the Catholick King by his own Force, and with the Assistance of the Emperor, was able to put a Stop to the Violence of their Arms, what will they not do, when this Support shall fail, and they attack the *Italians* in front by the way of *Lombardy*, in the Rear by the Kingdoms of *Naples*, and on the Flank by the Ports of *Tuscany*? This I leave to the Consideration of all those Princes and States, who are concern'd, that they may take such measures as are necessary to prevent the Danger. They may be inform'd by a *Spanish* Discourse publish'd the last Month, of the Calamities which threaten them from *France*, if they suffer that Nation to make nearer Approaches, by possessing themselves of the Two Kingdoms in question. And therefore to avoid prolixity, I refer them to that Writing, in which care is taken to acquaint them with the Evils impending over each of them in particular.

Spain cannot subsist without her Dominions in Italy.

But if *Italy* be not able to resist *France*, without the Assistance of the Emperor, and Catholick King, *Spain* will be much less able under an Archduke, depriv'd of his Dominions in *Italy*, and without any communication with the other Branch of his Family in *Germany*. All men know the Desolation of *Spain*, in respect of Treasure, Men, Manufactures and Trade; which must be supplied by other Nations: not that these things might not be produced by a little more pains and labour; but then, in order to that end, Impositions would be necessary, after the Mode of *France*, to awaken the industry of the People, which the natural goodness of their Kings, as long as they have any of the House of *Austria*, will, we presume, always prevent. So that the *Spaniards* are poor in the midst of those vast Treasures,

sures yearly brought from *America*, which they
 suffer to pass through their own hands to enrich
 their Neighbours, and especially the *French* who
 are their natural Enemies. Their Men, who
 were formerly admir'd, and accounted the best
 Infantry of *Europe*, have now no disposition to
 Arms, by reason either of the Disorders intro-
 duced into their Military Oeconomy, or the Irre-
 gularities of the Publick Administration. They
 apply themselves neither to Arts, nor Trade,
 chusing rather to live meanly without labour,
 than to grow rich by a less commodious industry :
 which slothful temper has been fomented by their
 five last Kings, who having great Resources from
 abroad, supplied their indigence by great profu-
 sions ; and when the principal Revenues of the
 Crown were not sufficient, they engag'd and alie-
 nated the very Funds to support that Charge.
 So that if men consider the exhausted condition
 of *Spain*, separate from the many Aids she re-
 ceives from abroad, they can hardly believe,
 what History tells them of the Forces and Power
 of some of her antient Kings, in times when
 they had not half the Continent of that Country,
 and no kind of Assistance from any other part.

These wants have been hitherto in great mea-
 sure supplied by their Dominions in *Italy*, which
 have enabled the *Spaniards* to sustain all the As-
 saults of *France* ; more especially under the two
 last Kings. And this Conjunction of Forces is of
 farther importance, by facilitating the Succours
 of the Emperor, which are become absolutely
 necessary to *Spain*, since the formidable increase of
 the *French* Power. In that view, the Catholick
 Kings have been always extreamly jealous of pre-
 serving this Communication, and therefore have
 consider'd the Ports of *Tuscany*, tho in appea-
 rance

rance of small moment, as one of the brightest Jewels of their Crown.

Importance
of the Tus-
can Ports.

These Ports lying between the Kingdom of *Naples* and the Place of *Final*, which opens a Passage into the Dutchy of *Milan*, secure a Communication between *Spain* and *Italy* by Sea, without disturbing any of those Powers, that lie in the way by Land; as they serve in like manner to draw a Line of mutual assistance between the two Branches of the House of *Austria*, which is the Security of both: and on this Account, the *French* did all they could, under the last Reign, to possess themselves of these Ports; and had not fail'd of success, if a Distemper produced by the badness of the Air, had not ruin'd their Army. 'Tis for the same reason that they have stipulated 'em by the Treaty for themselves; and are so much afraid of mistaking, that after they have comprehended them in general terms, they specify each under its proper Name. These same Ports, which have been formerly call'd the Manacles of *Italy*, in hatred to the *Spaniards*, will become really so in the Hands of *France*; who doubtless will use them with dexterity enough, to enslave all the Rest of that Continent. For being Masters at Sea, nothing will be more easy, than to attack *Tuscany* by that way, whilst their Land Armies possess themselves of the Ecclesiastical State on one side, and of *Piedmont* and *Lombardy* on the other.

If the *French* pretend the *Tuscan* Ports, as accessional to the two Kingdoms that are to be incorporated, and necessary to preserve a mutual communication, no Man ought to be surpris'd, for they are of great use to them. But if they have no other view, why do they not leave the Marquisat of *Final* to the Duke of *Lorain*, being

a part of the State of *Milan*, which they have stipulated for him by the Treaty, since the little Port, or rather Road that belongs to that Place, is of no consideration to secure the Command of that Sea? The Reason is evident, for they look upon *Milan* only as a thing deposited in the Hands of the Duke, which they may take when they will, and therefore resolve to keep the Keys, that they may enter when 'tis convenient.

These measures so judiciously taken, prove evidently, that the *French* have a design, not only upon *Italy*, but *Spain* also, when in the Hands of the Arch-Duke: for what Forces can he oppose against *France*, in that wretched Condition to which his Kingdom will be reduced, without all hope of Assistance either from *Italy* or *Germany*? The two last Kings, with both these Advantages, have not been able to secure their Frontiers against the Power of the Crown, since *Lewis* 13th took the County of *Roussillon*, and advanc'd his Conquest to *Lerida*; and *Lewis* the 14th, when almost all *Europe* was confederated against him, forc'd *Barcelona*, and possess'd himself of *Catalonia*. But if the *French* could carry their Arms so far at a time when *Spain* had such great Assistances from abroad, what will they do when their Strength is increas'd, by the addition of those Places which were a considerable part of that Aid, but attack that Kingdom by the three Passages of the *Pyrenean* Mountains, whilst they keep the whole Coast in a continual Alarm by their Fleets? These three attacks by Land will be easy at all times, because they will be made by a Line of Communication, which no foreign Power can interrupt: Besides, they may take what time they please for Preparation, and make their Attempt in the profoundest Peace, according to

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their new Maxims. As to the Coast of Spain, what Places are there in a Condition to resist? There's only *Barcelona*, *Cadiz*, *St. Sebastian*, and *Fontarabia*, that require a formal Siege: Of all the rest, there is not one which may not be forced in few days, by a single Detachment, whilst the *French* are Masters at Sea. But what difficulty can there be in taking the four Places last mention'd, when *Barcelona*, which is the most considerable, could not be sav'd in the last War, tho defended by a numerous Garison, disciplin'd, and well commanded; tho there was an Army near to reinforce them with Men, and give the Enemy diversion, who never employ'd the sixth part of their Forces in that Siege? *Cadiz* will be easily forc'd, by sending a Fleet into the Gulf, and landing a competent number of Men to make an Attack at the Neck of Land, on which it is situated; and having Bombs in readiness, to lay the Town in Ashes, in case of Resistance.

Importance
of the Pro-
vince of
Guipuscoa
to France.

Possibly, they would find more difficulty in taking *Fontarabia* and *St. Sebastian*; the first of which Places they formerly besieg'd in vain: and the principal Reason of this difficulty is, That the Avenues of that Frontier are almost impenetrable, as well by reason of the Mountains that cover them, as the personal Valour of the Inhabitants, who have always maintain'd themselves from all foreign Power, as the *Romans*, and in after Ages the *Mores* experienced to their Shame. But let the *French* alone, they have taken Care of that by the Treaty; for they have there, in express Terms, stipulated for *France* the whole Province of *Guipuscoa*, in which both those Places lie, and are so fearful they should not be sufficiently understood, that they have nam'd them in particular, as well as the Port of *Passage* which lies

between

between them. By this precaution they make sure of that Frontier, which is bounded by the Ocean, and is the only part of *Spain* secure from Danger, and able to stop the course of their Arms. As for the Port of *Passage*, tho used by the People of the Country only for Fishing, the Court of *France*, not without Reason, has been pleas'd to give it a mark of distinction, by the word *Especially*: For no Place will be of more Advantage to them, capacious enough to contain the greatest Fleet, and secur'd from all dangerous Winds; the Hills and Country round about cover'd with Oaks of great bigness, and ready at hand for building Ships of War. Which Advantages are so much the more considerable to the *French*, because they have no Port in all that Sea, where they are to be found in equal proportion.

But 'tis not enough for the *French* to become Masters of this haughty Frontier, which has hitherto put a stop to their Fury, to acquire a Port which has no equal in the Ocean, and to bring under their Power the most warlike People of all *Spain*, as well as the most proper for the Sea. There are many other Mountains and Passes, in the way to *Victoria*, where the Plains begin, among others that of *S. Adrian*; and because these might prove dangerous or inconvenient upon Occasion, they have wisely and dexterously obviated all in the same Article; for after they have stipulated the Province of *Guipuscoa*, as I mention'd before, they proceed in their business thus, *With this restriction only, That if there be any Places in like manner, depending upon the Provinces subjected to Spain, which are on this side the Pyrenees, or other Mountains of Navar, Alava, or Biscay, on this side the Province of Guipuscoa, they shall remain to France; and the said Mountains, together with those*

that lie between the said Province of Guipuscoa, Navar, Alava, and Biscay, to whomsoever they belong, shall be divided between France and Spain, so as there shall remain as much of the said Mountains to France on her side, as to Spain on the other. The French in this place use the word *Restriction* in a wrong sense; they would have explain'd their meaning better, by that of *Extension*, which in this place serves to express the enlargement of their Frontier far beyond *Guipuscoa*. But not to dispute about words, we may consider this Expression as relating to a second intention of *France*, which she reserves for a source of *Chicane*, that will admirably serve her designs.

It will come to be necessary, to explain what is meant by the *Pyrenees*; and here they lie in wait for the *Spaniards*. If the long Chain of Mountains, which separates *Spain* from *France*, be understood by that name, the sense will be clear, every Map will guide us, and the *French* put themselves under the Obligation of restoring *Roussillon* to *Spain*, because it lies on the *Spanish* side of that Chain. But if the question be extended so far as to measure the breadth of the Mountains, and to give one half to the *French*, this would carry them a great way; and besides the Province of *Guipuscoa*, give them footing in all the adjacent Countries, by comprehending in their Share, whatever Posts or Passes lie convenient for them, in *Biscay*, *Alava*, and *Navar*. Their Geographers will presently find, that all the Mountains of these Countries are part of the *Pyrenees*; and if the *Spaniards* will not be convinc'd, their Armies are ready to prove the Assertion; and then by the help of a few Dependencies, they will easily carry a Frontier as far as the Plain, which is the thing they pretend.

In this manner the *French* cover their Designs; but the Veil is so thin, that if Men look near, they will soon see through it. If they come to be Masters of *Biscay* by the means of *Guipuscoa*, and post themselves near *Victoria* by the Extensions I have mention'd, what should hinder them from advancing to *Madrid*? *Catalonia* is open, and *Navar* defended only by the Citadel of *Pampelona*. The execution of this design is not difficult; for the *French* have never made a question of finding Forces sufficient to conquer *Spain*, but of subsisting those Forces in their long marches, through Countries half deserted, and without any Communication of Rivers: And against this they will be able to provide, by being Masters of both Seas, and of all the Passes of the Frontier. Therefore if they have never doubted of this Conquest, except for the Reasons before mention'd, what can stand in their way when those Reasons cease, and *Spain* is depriv'd of all Assistance from abroad, and attack'd both by Sea and Land? which ought to be well consider'd by that Nation.

But the Conquest of the Continents of *Spain* ^{Naples} and *Italy*, is not all the Advantage which *France* ^{and Sicily} expects from her Lot. This Conquest may be ^{put the} thought remote, and as such, not much to con- ^{French} cern the two Maritime Powers: But there is ano- ^{into full} ther that touches them in a particular manner, ^{Possession} of the ^{Le-} which is, that this Lot makes the *French* absolute ^{vant} Masters of the *Mediterranean*, and consequently ^{Trade.} of all the Trade to the *Levant*, which will contribute no less to increase their Power, than the Addition of so many Dominions. I have already shew'd, how easily they will possess themselves of the Ports of *Spain*; so that we are now only to consider if there are any belonging to that part of *Italy*, which is not comprehended in their

their Lot, that will be capable of putting a stop to their Power.

The principal of these Ports are *Genoa* and *Leghorn*. Now I ask, whether those to whom they belong, either can, or dare resist the *French*, when the rest is under their Dependance, or upon the point of being so? But 'tis no way necessary they should be Masters of all the Ports of *Spain* and *Italy*. On the contrary, they would be burdensom to them, by the Expence of new Fortifications, and numerous Garisons. 'Tis sufficient to be Masters of that Sea, in order to accomplish their Designs: for by taking either *Ceuta* or *Tangier* from the *Moors*, which lie at the Mouth of the *Straits*, and keeping there a good Squadron of Ships and Gallies, they will easily be able to shut up that Passage from any other Nation. But grant that the Fleet of some other Nation should force this Passage, either by the Advantage of a Wind, or by Surprise, what security would they find in the Ports of *Spain* and *Italy*, where the Fleets of *France* may attack them at all times? Or what shelter against the Violence of a Storm? I do not aggravate the thing; for 'tis well known the *French* have been superior on that Sea, ever since they have applied themselves to Maritim Affairs, in which they are now arriv'd to that Perfection, as to be able to dispute the Empire of the Ocean with the two Maritim Powers, who were formerly in undisputed Possession: And therefore 'tis easy to determine what will be the Event, when they have increas'd their Naval Power to a third part more than it is, by the Addition of *Naples* and *Sicily*.

Let no Man think to object, that *Spain* will have Ships, as well as *France*, and that those of the Maritim Powers will not fail to assist her upon

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Occasion, from a knowledg of their own Interest: for we are but too well inform'd of the miserable Condition of the *Spanish* Fleets; since when ever the present King resolv'd to arm by Sea, he has been necessitated to buy Ships in *Holland*, and to raise the greatest part of the Mariners in his Dominions of *Italy* and *Biscay*, which are now to be torn from *Spain*. But suppose the *Spaniards* able to fit out a considerable Fleet, would not the *French* destroy it in a little time, not only by exceeding them in number, but also because that of *Spain* will always be inferior in Experience, Discipline, and Oeconomy? And as to the Assistance to be expected from the Maritim Powers, the last War is sufficient proof, how little can be relied upon in a pressing Necessity; for of what use were the united Squadrons of *England* and *Holland*, that came and posted themselves at *Cadiz*? They possibly might prevent some great Disaster, but could not preserve the *Spaniards* from suffering many losses by the *French*.

Whilst these Squadrons were fitting out, and in their Passage, the *French* had already executed their Designs. And if they were found to be superior in Force, that of *France* retir'd into Harbour: But if their Strength was equal, both sides put out to Sea, and endeavouring to get the Wind, and other Advantages of their respective Enemies, spent the Summer in a pickeering War, when the *French* had no more to do than to make for their own Ports; whereas the Confederates were either forc'd to winter at *Cadiz*, with great loss of Men, that perish'd by the change of Air and Diet, and a prodigious expence of Treasure; or to return home through all the Dangers of the *Biscayan* Sea, and perhaps a *French* Fleet, well mann'd, and fresh, attending them in their Passage.

Passage. Now if this foreign Aid was so useless to *Spain*, at a time when all her Ports, and those of *Italy* were open to them; what a Change will there be, when none but the first are remaining, and those too in the utmost danger from *France*?

If the *French* once come to be absolute Masters of the *Mediterranean*, as will infallibly happen if the Treaty produce its Effect, 'tis certain they will suffer no Nation to share with them in the *Levant* Trade, which they esteem to be the best and most useful in many respects. They had a great share in this Commerce, before they were so powerful at Sea, notwithstanding all the endeavours of the *English* and *Dutch* to exclude them; from whence we may conclude, they will suffer no Competitors, when none will be able to contend. The situation of *France*, the convenience of its Ports, and industry of the People, have given them more Advantages in this Trade than any other Nation: for being near at hand, they have been able to perform their Voyages in half the time, and consequently with half the Expence, which has enabled them to sell the produce of their Goods much cheaper; whereas other trading Nations have double the way to make: and as they are expos'd to greater Dangers, stand oblig'd to increase their Ship's Company, and frequently to guard them with Convoys, which very much diminishes the Profit.

But let it be granted, that *France*, out of her especial Grace and Favour to the Maritim Powers, as well as to keep fair with them in the Ocean, will suffer their trading Ships to pass through the *Straits*; they must expect to be exposed to Searches and Confiscations, under pretence of contraband Goods, and to pay Toll for going in and out, with a thousand other Impositions, which
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the *French* know how to use, as well with their own Subjects, as with Foreigners. In the next place, their principal Trade consisting in the Manufactures of Wool and Silk, 'tis not enough considered, how many ways the *French* will find to render them of little or no Advantage. *Italy* neither can, nor dare furnish them with Silk, if the *French* will have it, in order to be manufactur'd in *France*; and to bring it from the *Levant* will not only be chargeable, but dangerous; which with the Toll that must be paid, will render all their Silk Manufactures unprofitable: whereas those of *France* will be much cheaper, and consequently sell better. Then as to the Manufactures of Wool, I ask, who can hinder the *French* from appropriating to themselves all the Wools of *Spain*, which are absolutely necessary to the making of the finest Cloth; the Ports of that Kingdom being at their discretion, and it may be already in their Hands? Besides, to what Market shall the Cloth that is made be sent? There will be great Danger, and little Profit in the *Levant*: the *French* will forbid them in all their Dominions, and the rest of *Europe*, already accustomed to take the silk Manufactures of that Kingdom, will soon accustom themselves to buy their Cloth also.

If Men should object, That tho the *English* and *Dutch* Trade to the *Levant* should fail, that of the Ocean, where they are the strongest, would make amends; that there is business enough in the *West-Indies* to employ their Shipping; and that if they remain united, they may exclude the *French* from those parts of the World. I answer, first we are to know, whether those Nations design to trade under the dependance of *Spain*, by loading their Effects on board the Gallions, as formerly, or
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wholly independant. In the First case, 'tis certain that *France* alone, having more Goods proper for that Trade than both those Nations, and being able to sell cheaper, will have the greatest Profit. And, which is yet more, if that Crown will demand of *Spain* the sole Liberty of that Trade, they will find no difficulty to exclude the other Two. For when the *French* shall attain to that Degree of Power, to which the Treaty of Partition; or, if this fail, the Admission of a *French* Prince into the Throne of *Spain*, must necessarily raise them, they will govern the Springs of that Monarchy as they please, because they will be their only support, and defence. So that if they think fit, that the *Spaniards* shall continue to bring the Riches of *America* for the Use of *France*, they will oblige them to exclude all others: and then 'twill be their part to take care to secure the Gallions from the Danger of any other Power; to effect which, the increase of their Strength at Sea, by the Union of *Naples*, *Sicily* and *Biscay*, to that Crown, will very much contribute. At this rate they will be able to manage *Spain*, and undertake the Defence of their Possessions in *America*, in expectation of a proper Conjunction, to unite the whole Monarchy to the Crown of *France*.

But if these Powers pretend to trade to those Parts, in a manner wholly independant, they will have for their Enemies, not only *Spain* and *France*, but even the Natives of those vast Countrys; who being all Catholicks, and perhaps more zealous than those of *Europe*, will always be most inclin'd to those of their own Religion. They may indeed make a Pyratrical War, seize Places and establish Colonies, but none of these will be safe nor lasting, as the late Enterprize up-

on *Darien* has sufficiently prov'd. Yet possibly they may have some advantages in the *East-Indies*, where the *Dutch* are powerful, which may not be disputed at first. But the Difficulty will lie in securing themselves in time of War; and they may justly fear, that the *French* may without leaving their own Coast, take from them that which they shall with so much hazard, pains and expence, have brought thither. And this, by reason of the apparent Advantages they have over these two Nations, both by their Situation, and the Commodiousness of their Ports upon the Ocean. For their Ships must of necessity pass along by the Coasts of *France*, before they can arrive in their own Ports; and the *French* can put to Sea almost with any Wind. So that they may without difficulty waylay and surprize them in their passage as they return from the *Indies* with their Lading. They will either be constantly inform'd, by corresponding every where, of the times of their departure; or seldom fail in their Conjectures, by knowing the Seasons, and the rising of the Trading Winds. They will guess, by computing the Passage, how far their Ships may probably have reach'd; and then, taking their time to cruize upon them, they will sooner have made a Seizure, than the *English* themselves, who yet are nearest, will be in a Condition to protect them: Especially because so many different Winds are absolutely necessary to carry out their Ships, as well clear of their Ports as of the Channel. 'Twas chiefly by these Advantages, that the *French* took so many Prizes from the two Nations in the last War; and they will be always in a Condition to do the same, whenever they resolve to make a Pyrratical War by Sea.

Advanta-
of France
in the Ac-
quisition of
Lorain.

I come now to the last Condition of the Treaty; which gives the Dutchy of *Milan* to the Duke of *Lorain*, in exchange of his own Dominions. We are to suppose, that the *French*, who know their own interest, and stop at nothing which tends to that end, were moved by very powerful reasons, to prefer those Dominions, before a Dutchy they have taken so much pains to obtain formerly. I have already said, that we are not to think any otherwise of the Dutchy of *Milan*, than of a thing deposited in the Hands of the Duke of *Lorain*, in order to resume it at pleasure, and that the *French* have, for this purpose, reserv'd to themselves the Marquisat of *Final*. Let us see what may be more in this Project.

That *Lorain* is of great Use to the *French*, in the Design they have long since laid, of carrying their Frontier to the *Rhyne*, has been sufficiently seen, in the great Advantages they have receiv'd by that Country, during the the whole time of their Usurpation.

1. The Union of *Lorain* with *France*, advances their Frontier forty Leagues into the Empire; for so many there are from the Extremity of the Dutchy of *Bar*, to the City of *Strasburg*; makes them Masters of all the Country between the *Queitsch*, the *Saar*, and the *Moselle*; opens a way into the *Palatinat*, and into the Territories of *Mentz* and *Trier*.

2. This Dutchy secures the Communication of *France* with the County of *Burgundy*, and the two *Alsatia's*; is situated at the Head of the *Moselle*, and the *Meuse*, and therefore cannot but be extremely Commodious as well to preserve their old Conquests as to make new ones. Here they may assemble their Forces, to distribute them in every part, make Provision of Corn to fill their Magazines

zines in *Alsatia*, and keep an Army in Winter-quarters, to be ready to act upon the *Rhine*, before their Enemies can take the Field. 'Tis hard to imagine greater Advantages than these; and if we add to all, that out of this Country twenty five thousand Men are rais'd and paid, we shall find, that the *French* have reason, in this conjuncture, to prefer the Possession of it before the Dutchy of *Milan*. Besides, if they had pretended this, in conjunction with the Kingdoms of *Naples* and *Sicily*, they would not only have driven the Princes and States of *Italy* to despair, but alarm'd the whole Body of the *Switzers*, with whom they will always keep fair, till they have lock'd them in on all sides. Thus keeping a steady Eye upon their Ends, they affect a little moderation on one side, and know how to make themselves Amends with interest on the other.

'Tis true, the Condition of the Duke of *Lorain* seems to be made better by the Exchange; as well in Revenue, which will be much greater, as because he will have *Savoy* and *Piedmont* for his Outworks, against the Insults of *France*. But who can tell, whether the *French* King, when he is in full possession of his Lot, will not challenge the State of *Milan* for himself, if the Partition take effect, or for the Young Prince, that may be called to the Succession of *Spain*? He seiz'd *Lorain*, because 'twas serviceable to his designs against the Empire. He will now have it again, by means of the State of *Milan*, which in this conjuncture is of less importance, and serves to dissipate the Jealousies I have mention'd. When this design is accomplish'd, and the Kingdoms of *Naples* and *Sicily* in his own Hands, or else at his Disposal, under the Name of one of his Grandsons, called to the Crown of *Spain*, he will not fail

fail to resume the Dutchy of *Milan*, to establish his Authority in *Lombardy* : and by the same Law he now transplants the Duke of *Lorain* thither, he may transplant him again into some other Dominions more remote, which by that time he may have usurp'd : or perhaps by a particular favour will send him back to *Lorain*, where he will not fail to keep him safe ; leave him the Name of Duke in Formality, and reserve the Sovereignty to himself. 'Tis impossible to judg, what Men will do, except only by what they have done ; *France* will always have the same Genius, the same Conduct, the same Ambition.

The Treaters could not dispose of Lorain, without the Consent of the Emperor and Empire. In the last Place, we are to inquire, whether the Treaters could stipulate these Exchanges, without the Consent of the Emperor, and Empire, who were not consulted in the Matter. *Lorain* is under the Protection of the Empire ; possesses divers Lands in Fee from the Empire, and acknowledges its Majesty in three essential Points, which are, the Right of safe Conduct ; the Common Peace ; - and Contributions, in case of Publick necessity, or a War against the *Turk*, one third Part only less than an Elector. Now, as it is not the Interest of the Empire, that *France*, which is already so Formidable, and upon the Point of becoming much more so, should possess these Dominions, which serve for an Outwall to cover it ; and that *Strasburg* was yielded to the *French*, by a kind of Equivalent, for the Restitution of *Lorain* ; 'tis not to be presumed, that the Empire should consent to this Alienation : Especially considering, that the *French* do in this openly violate the Treaty of *Reswick*, what Protestation soever they make in the beginning of the Partition Treaty to observe it inviolably.

What

What I have said concerning *Lorain*, is yet of *Much less* greater Force, in respect to *Milan*, which is a Fee of *Milan*. of the Empire; settled by the Emperor *Charles* the 5th upon his Son *Philip* the Second, to be enjoy'd by him and his; and not to serve for Sport, to *France* and her Allies. Besides, upon failure of the Male Line, Daughters having a Right to a certain degree, 'tis apparent that if the Catholick King die without Children, this Fee will devolve upon the Emperor, as well by the Right of Representation, derived from the Empress *Mary*, his Mother, Daughter to *Philip* the Third, and Sister to Queen *Ann* of *Austria*, who did renounce; as by subrogation to the Right of the Empress *Margaret*, his first Wife, who was Sister to Queen *Maria Teresa*, that did likewise renounce. To which ought to be added, that, as Emperor, he is under an obligation to prevent this important Fee from falling into the Hands of *France*, or of any Prince in her Interests. Since then the Right will be in the Emperor, 'tis presumed, he will dispose of that Dutchy in favour of the Arch-Duke *Charles*, his second Son, whether he be called to the Crown of *Spain*, or not. The Interest of all *Italy*, and of the whole *Helvetian* Body demands this; which is so visible, that to give any proof, were to light a Candle to the Sun.

Having already shew'd the principal Advantages of the *French* Lot, 'twould be useless to enlarge upon that of the Arch-Duke, since the disproportion is so apparent, and the Treaters themselves were so much afraid of the Comparison, that after they had named *Spain*, they left the rest to conjecture, comprehending all under the general terms, of *Kingdoms*, *Islands*, *States*, *Countries*, and *Places* possess'd at present by the Catholick King,

King, as well without as within Europe, which are not in the Lot of France. But 'tis impossible to mistake, if Men will be pleas'd to make a little Reflection; *Spain* dismembred; the poor remains of the *Low-Countries*, without defence, and altogether unprovided; *Sardegna* without hopes of Assistance from *Italy*; *America* expos'd to the insults of all Nations, that have a Sea-force; and what the *Spaniards* possess in the *East-Indies*, at the Discretion of the *Dutch*. These scatter'd pieces in the state they are, cannot possibly be long in the possession of an Arch-Duke: and to this Condition the *French* resolv'd to reduce *Spain*, either that they might accomplish their Conquest upon the first War, or compel the Nation to accept one of their Princes, to the exclusion of the Emperor and his Right.

That this was the intention of the *French* Court, is but too manifest by their whole Conduct, and the means they have us'd ever since the Treaty of *Reswick*, to fix the necessity of this Alternative. That Peace serv'd to disarm and divide their Enemies; that Disarming and Division produc'd the Treaty of Partition, and this Treaty finish'd the Work, and brought the *Spaniards* to despair, when they saw themselves not only abandon'd, but sacrific'd to *France*, by the Maritim Powers; and all this attended with the terror of a *French* Invasion, which they were no way able to resist. Thus forcing one Party by the other, the *French* secur'd to themselves the Liberty of chusing; with this additional Advantage, that, when the Emperor should refuse the Treaty, which they knew he would do, for the Reasons before mention'd, they might be furnish'd with a Pretext to excuse themselves in not adhering to the Partition, if *Spain* should call one of their Princes to
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the Crown. But if this should happen, what would R—— G—— and the *Dutch* say, who have not only given occasion to the Treaty, but, in that case, have been Gull'd by *France*? I doubt not, the *French* will presently come with protestations of the utmost Sincerity; and specious offers, to calm their resentment, and dissipate their just suspicions. For they must have time to fix themselves in *Spain*; to bring the Government either by force or fraud, into their interests, and to break the Measures of the Emperor, if he pretend to sustain his right by Arms; and to gain this time, they will not fail to use their greatest Art. As to what relates to *Spain*, they are thoroughly prepar'd; their Forces are already upon the Frontiers; their Fleets in a Posture, to alarm the Coasts both of that Kingdom and of *Italy*, upon the First orders; and, which is more, a great Party about the Catholick King, to influence him, to make a Will in their favour. And if we add to all this, the ill State of the *Spanish* Frontiers, the Disorder and Confusion of the Government, the dispirited condition of the Nation, and the General desolation of the Kingdom, we have great reason to believe, they will do what they please in little time. And then, let all Men judg, what will be the fate of the Rest of *Europe*, especially of those, who by their situation are most expos'd to their invasions, as the Empire, the two Maritim Powers, the *Switzers*, and the Principalities of *Italy*.

And, because the Relapse of the Catholick King, which happen'd the 2^{ist} of *October*, may probably carry him to the Grave; and open the dark Intrigue of that grand Scene, to which the Treaty of Partition was a Prelude, I think my

self oblig'd to stop here, and rest satisfied, that I have proved in this first part, the enormous Injustice, and pernicious Consequences of dismembering the *Spanish* Monarchy: for all Men will see, that if the Balance of the Two Crowns, so necessary to *Europe*, be for ever broken by the Partition, the Reason will be yet stronger, if a Son of *France* should intrude into the Throne, as we are threatened; because in that case, *France* would attain to such a Degree of Power, as would enable her to enslave all *Europe*. And if any doubt remains to be resolv'd touching this last point, I shall do it in a Second part, which will soon follow, if the thing happen: tho I cannot perswade my self, that the *Spaniards* should ever be so ill advis'd, or so base, as to enter into this Project. Besides, 'tis not in their power to exclude the Emperor, who is call'd to the Succession, by all kind of Rights and Settlements, as they themselves have maintain'd, with so much reason, against the *French*. On the other hand, the Constancy of his Imperial Majesty, in refusing to accept the Treaty of Partition, notwithstanding all the Solicitations and Menaces of the Treators, ought to be a sufficient evidence, without the Decision of a *Solomon*, that the Crown belongs to him, as the true Father, and Guardian of the People.

F I N I S.

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A
D E F E N C E
Of the R I G H T of the
House of *A U S T R I A*
T O T H E
Crown of *S P A I N*,
And the Dominions thereunto
Belonging.

P A R T II.

Containing an Account of the Methods us'd
by *France* to procure from the Late King of
Spain a Will in favour of the Duke of *Anjou*,
by Forgery and Violence, in order to obtain
an Universal Monarchy.

Written by a Civilian at *Vienna*, and done into
English.

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1703.

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P A R T II.

C H A P. I.

The Artifices of France in Foreign Courts to oblige them to own the D. of Anjou as King of Spain, in order to confirm his Intrusion.

THE Partition of the Lion in the Fable cannot miss of being verified one way or other ; for *France* had made her game so sure, that the *Spanish* Monarchy could not any longer escape her, but must either be dismembred, which settl'd the best share on *France*, and ascertain'd her Hopes of the rest, or must admit the D. of *Anjou*, which makes her Mistress of the whole without striking one stroke. The Age hath commenc'd with this Prodigy, to teach all Sovereigns that there's now no Justice or Settlement that can secure their true Heirs against the Enterprizes and Violence of a stronger Potentate ; Justice, Piety, Alliances, and mutual Obligations must give way to Intrigues, Conspiracies, Threats and Violence, to overturn the settled order of Succession : That which is most religiously established by publick Treaties, is not now to be consider'd as any thing else but a Snare to surprize those who honestly en-

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gage in them. Such are the Methods that *France* hath made use of to deprive the Emperor and his Family of their Inheritance; Methods not only unjust and sacrilegious in themselves, but of a very pernicious Consequence to Sovereign Families. Since if Force be allowed as a good Title to authorize Usurpations, there can be no such thing as setting of Boundaries to the Ambition of powerful Princes, nor any security in Treaties, which are the most sacred Bonds of human Society.

It's in vain for *France* to think to perswade the World, that the D. of *Anjou's* Accession to the Crown of *Spain* is founded upon an Act of Justice done by the last Will of the late King to the Descendants of the Queen his Sister: No body will believe that his Majesty willed that which he had so constantly rejected during his whole Life; this he could not do without breach of a publick Treaty, without acting contrary to the mind of the Queen his Sister expressed by her Act of Renunciation, and without breaking thro the Law established betwixt the two Crowns by a Treaty and Act for the Exclusion of that Queen's Posterity from her Father's Kingdoms and Dominions: This Law was received too, and solemnly approved by the States of the Kingdoms of *Castile*, with a *Non obstante* to their Municipal Law, which calls Daughters to succeed in default of Issue Male. And lastly, the late King of *Spain* could not do this without violating the Will of the King his Father made in execution of the said Treaty, Act, and Law. Let *France* then publish what she pleases to colour her Usurpation; 'tis impossible for her to impose on *Europe*, who know that his late Catholick Majesty always design'd to fulfil this indispensable Obligation, and they know as well the unjust and scandalous ways that *France* hath taken to force or forge this Will that

is so inconsistent with it. 'Tis not probable that the *French* will repeat all the Quirks and frivolous Pleas of their *Manifesto* in 1667. to impugn those Deeds that I have now mentioned : Those Pleas were solemnly refuted by the Answer of the *Spaniards*, to which they never gave any Reply ; therefore I shall make it my business at present only to observe what methods they take to confirm their Usurpation.

The *French* don't trouble themselves now about defending the Right in question, they think that sufficiently justified by the Treaty of Partition, and the D. of *Anjou's* Admission ; the first authorizes it, the second confirms it, and her Possession will put it out of Controversy. Those Titles, tho acquired by Tricks and the most enormous Violence that ever was heard of, are all that she has to justify herself ; and if she can be so happy as to bring other Nations to consent to it, voluntarily or by force, there's no hope of relief for the Emperor or his Posterity. To obtain this Consent, *France* must necessarily allay those reasonable Jealousies that are occasioned by such a great increase of her Power, and this is what all her Ministers in Foreign Courts are actually imploy'd in : As they omitted no sort of Artifice to bring those Courts to agree to the Partition, there's nothing they will leave unattempted to bring them to acknowledg the D. of *Anjou* as King of *Spain* ; Bribery, Menaces, Conspiracies, Violence, all are imploy'd to force them to this dishonourable Sacrifice. *France*, if you'll believe her Ministers, loses a great deal by the bargain : The Partition would have been incomparably more profitable to her, by allowing them to annex to their Crown that part of the *Spanish* Monarchy that lay most convenient for it : They say her Power is made nothing more formidable by the D. of *Anjou's* Succession, she gains nothing for her

self, and there's nothing to be chang'd in *Spain* but the Regnant Family; there will be the same Government, the same Maxims, and the same Interests, if we believe them. They add, that the *Spaniards* are too jealous of their Sovereignty to follow the Dictates of *France*; that their fear of a dependance on that Nation, which they have always abhor'd, will keep them in a constant mistrust of her; and that as they improv'd to their own Aggrandizement the Union which they had with the Emperors in preceding Reigns, they will do the same by their Union with the Kings of *France* in those that are to follow. They say, that in the mean time *France* hath been willing to sacrifice her own particular Advantage to the publick Peace of *Europe*, which she hath always laid so much to heart, that the late King of *Spain* having at last called the D. of *Anjou* to succeed him, she only engages in it by an Obligation of Justice and natural Charity, to put him in possession of his Inheritance; and she desires nothing further but to maintain the antient Treaties betwixt the Crown of *Spain* and her Neighbours for preserving that Peace and Union so necessary to all *Christendom*. 'Tis by those general Insinuations that *France* seeks to remove the well-grounded Jealousies of her Neighbours at the increase of her Power; but she has more secret Methods suted to the Interests, Maxims and Dispositions of each State, by which she endeavours to disunite and disarm those whom she cannot seduce otherwise.

There's no doubt but that King insinuates to the Court of *Rome*, that the Union of the two Monarchies in the House of *Bourbon* is absolutely necessary for the extirpation of Heresy, which is become the chief Object of his Desires; that 'twas in vain to expect that advantage from the House
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of *Austria*, since Experience hath evidenc'd that after many fruitless Attempts they miscarried in it; that the Glory of that is reserved to the first Son of the Church, and to the Princes of his Family; that he hath already extirpated Heresy in his own Dominions, without any regard to the Enemies which that pious Design might raise him; and that nothing can better crown the End of so glorious a Reign, than to exert all his Power for that purpose. There is no doubt to be made but they give out in secret to the profess'd Devoto's, that the fifth Monarchy which the Protestants had falsely destin'd to *Gustavus Adolphus* their Protector, must necessarily be verified in the Kings of *France*; that they have Prophecies and Revelations which import as much in express terms; and that if they will not believe their word, they have no more to do but to refer them to the intelligible sense of the Centuries of *Nostradamus*. What Triumphs then, and what Conquests shall not the Church make? It's a wonder if they don't urge them to look upon the defence of the D. of *Anjou* as a sufficient Cause for all Catholick Princes to undertake a *Croisado*.

But to return to the general Point. By how many Sacrifices of small consequence don't they endeavour to efface the Remembrance of the Affair of the *Corfi*, of the extension of the *Regale*, of advancing the four Propositions, and of all their enormous Attempts against the dignity of the Head of the Church in the Person of Pope *Innocent XI*? They are truly sorry for it, they throw the blame of it upon Persons deceased; there is not a cunning trick in Nature that they don't make use of with the new Pope to take off his just Distrust. In a word, if we believe the Advocates of *France*, the Most Christian King is of all Catholick Princes the most submissive and devoted to the Holy Chair, and the D. of *Anjou's*

Admission must be a Miracle of Providence to restore the Church to her antient Lustre, to deliver *Italy* from the Attempts of the Protestants, and to second the pious designs of *France* to destroy Heresy and the *Ottoman* Empire. What pity is it that the *French* Practices before-mentioned are so contradictory to these fine Insinuations? had it been otherwise, they must certainly have made a strong Impression.

For the Princes and States of *Italy*, as they have nothing else in view but to preserve their own Peace, without troubling themselves about what's done abroad; and since he knows they have an equal aversion to all Foreigners, what is it that he does not promise them on his own part, as well as on that of the D. of *Anjou*, to lull them asleep? and with what Aggravations does he not represent the Inconveniences which they must suffer by the *Germans* and *French*, if they take part with the Emperor, which is indeed to assert their own Liberty? In short, with how many illusions does he endeavour to persuade them that the Troops which he hath sent into the *Milanese* under the Auspices of the D. of *Anjou*, are designed only for their Defence? they are unarmed, they are divided by different Interests, the danger is pressing, and they submit to Necessity.

Germany makes a greater Resistance to the Suggestions of *France*, she has frequently tasted the Poison that's conceal'd under her specious Pretence; but the *French* have ways and means to guard themselves against such cross Accidents. The *German* Dominions that lie next them wish for a Neutrality, that they may not be the first Victims to their Arms. The remote Provinces look upon the danger without concern. They are divided amongst themselves by Interests of Prerogative and Religion, and private

vate Interest carries it in general against the Publick. *France* makes her own profit of these lucky Dispositions, to put that unweildy and disconcerted Body out of a condition to move; and if that be not enough, we shall soon have her invite all the Kings of the North to take part in her Spoils, and who doubts but she does already make use of all her Endeavours to engage one or another of them?

As to the Emperor who is most interested in the Affair, by how many Artifices does she endeavour to elude his Designs? she wants the *Turks* it's true, but she does all she can to make up that want by new *Teckleys*, by giving him Diversions in his neighbouring Countries, and even by the *Tartars*, if the *Turks* would grant them Passage. In a word, what Efforts does she not make every where to bereave him of his Allies, or to render them useless to him? It is he alone, if you will believe *France*, who troubles the publick Peace to satisfy his Ambition; and who knows but the *French* may have the assurance to call the Emperor's just defence of his Right, a sacrilegious Attempt against the Will of the late King of *Spain*?

For what relates to *England* and *Holland*, as those Powers have most reason to dread this Change, and that they are besides affronted in being imposed upon by the Treaty of Partition; if the *French* publish these general Insinuations there, 'tis only to amuse the People; they must make use of stronger Springs to disconcert the Government, and such are not wanting. There is in *England* a Party for King *James*, there are mutual Jealousies betwixt the Church and the Dissenters, and there's the Parliament to be managed. Those three Heads furnish matter for Cabals, and there's no sort of Artifice omitted to bring things to an Intestine War.

There's also a Party in *Holland* that is for Peace, and for preserving their Trade; it is a strong Party, and always supposed inclinable to give the publick Interest the preference: This Party the *French* cultivate, they promise them a sure and lasting Peace, they promise them a freedom of Trade in all the Ports of *France* and *Spain*; and this Liberty is so much the greater, that it shall always be in the power of the two Crowns to deprive them of it: In a word, they will grant them all, provided they will fall down and worship them.

This is not enough: *France* who is accustomed to govern her self towards her Neighbours according to the Superiority she has over them, begins to treat the States General with the same Loftiness as if they were already under her dependance; this is plain by the *French* Memorial of the 4th of *December* last, there they are told that they ought to thank the most Christian King for his accepting the late King of *Spain*'s Will, and preferring on this occasion the publick Repose to the advantage of his Crown. This at first looks like a Paradox, and therefore must be explained by two Metaphysical Distinctions: The first is, *that we must suppose there can be nothing more opposite to the Treaty of Partition, than to abandon the Design of it by keeping to the Terms:* And the second is, *That the Design and the Terms of the Treaty were united whilst the late King of Spain was alive, but that the last Will of that Prince, and his Death did make such a difference between them, that the one is absolutely destroyed if the other subsist.* It's upon these Distinctions that the whole Deduction is founded; it's long and artificial, and hath something sublime and wonderful in it. To follow the Design of it without keeping to the Terms, she offers to prove to the States General, that if they enter'd into the Treaty of Partition with a design to preserve the publick

publick Peace, they have much more reason to fall in with the D. of *Anjou's* admission to the Crown, which establishes the same more solidly, because it takes away from the Emperor and most Christian King all occasion of breaking it; that is to say, properly speaking, that if she could seduce them by the Lure of the publick Peace, she is in the right to do the same still in this change of System. She had nothing to do but to prove, that the D. of *Anjou's* admission to the Crown of *Spain* confirms this so much desired Peace more solidly than the Partition, and then she had proved all. But for this we bid defiance to all the Eloquence of *France*. Truth will shine thro all her Sophisms and Illusions; this she is very sensible of, which obliges her towards the close, to turn the strength of her Arguments into Threats: This appears by these words, *That his Majesty is willing to believe that they had no such design, that is, to oppose the D. of Anjou's admission; that they knew too well the Interest they had to merit, by their good Conduct, the honour of his Affection, and the continuation of the Marks of his Good-will.* Those Expressions relate to the ill *Satisfactions* of the *Manifesto* of 1672. so that the States General have nothing left them at present but to take their measures upon it.

I shall say but little as to the Republick of *Suisseland*: *France* would not have stipulated the Dutchy of *Milan* for the Duke of *Lorain* in the Treaty of Partition, but to remove all cause of Jealousy from that Nation, and that Dutchy shall only be possess'd by the D. of *Anjou* as 'twas formerly by *Spain*. The antient Treaties shall be inviolably observed on his part, and *France* shall be Guarantee for it if they please. It's the business of *France* to lull them asleep. But those false Protestations of Sincerity are not alike receiv'd by all the *Swissers*, because of the different

different Interests of the *Cantons*; therefore she feeds the Catholick *Cantons* with underhand Promises to free them from the Yoke of the Protestant *Cantons*, whilst at the same time she endeavours to blind the latter by Caresses, Presents and false Glosses. Thus by Artifices of a contrary nature she hath always kept this Lethargic Republick from moving against her, tho their indispensable Interest required they should have done it, in order to keep *France* at a distance from their Frontiers.

This is a short view of the *French* Insinuations at all neighbouring Courts, to make them neglect that little time they have left them for taking Precautions against the growth of her Power: These are the Measures she takes to assure her self of those who are nearest the danger. Now since this Crown hath a secret Charm to dazle the Eyes of all the World by her Illusions, the Event will shew whether she be happy enough to attain her end in this Conjunction, when the fortune of *Europe* is at stake. The danger is such, that if People were formerly alarm'd at the Power of the House of *Austria* in her two Branches upon an ill grounded fear, that she aimed at the Universal Monarchy; there's cause to tremble now at the Power of the House of *Bourbon*, who avowedly grasps at it, and without the addition of *Spain* was able to bear up so gloriously in the last War against all the Efforts not only of the House of *Austria*, but also of all the other Potentates in League with her.

If we consider the Motives of all the Wars which *France* hath raised against the House of *Austria* since the Augmentation of her Power under the Emperor *Charles V.* we shall find that they build them all upon the specious Pretext of hindering her arrival at the Universal Monarchy. 'Twas upon this Principle that all her Negotiations and Alliances with
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Foreign Courts were grounded. The *French* made use of the bitterest Gall in their Description of the imaginary Plan of that Universal Monarchy. There never was, said they, any Ambition so insatiable, and so fatal to Neighbouring Princes as that of the House of *Austria*. Let their *Manifesto's* be read over, let those infinite numbers of Libels be look'd into which they spread all over *Europe*: Let every King, Prince and State, search their Archives for the Motives of the Treaties which that Crown made or would have made with their Predecessors to arm them against the House of *Austria*, all will be found reducible to this Head. It's under the Covert of this imaginary Fantom, that *France* pretends to justify to all *Christendom* her constant and strict Alliance with the *Turk* since the Reign of *Francis I.* By the same Arguments she justified to Catholics in particular her Union with Protestant States, which hath occasioned so many Mischiefs to the Church, and which continued as long as she could foment their Hatred against the House of *Austria* by a false Interest of Religion.

That Interest and those Jealousies having ceas'd by the Treaty of *Munster*, *France* renewed the Attack on another side; she alledg'd there were too many Dominions still reunited under that House, that the revival of her Power was still to be fear'd, that tho the weakness of the two Branches was now visible, the remembrance of the Power of *Charles V.* and *Philip II.* was enough to give the World still a terrible Idea of it. Besides, those Dominions lying in the view of several neighbouring Princes, *France* was still tempting one or another of them with the Spoils; and this game she continued as long as she could find her account in it, but always reserved the best share to her self. At last finding her Intrigues discovered, and her Power become incomparably

parably more formidable than that of her Rival, she began to take off the Mask, and to discover an Ambition more fatal and pernicious to all the neighbouring States than ever was that of the *Ottoman* Empire in the height of her Conquests: This has been experienc'd during the whole course of the present Reign.

To justify the House of *Austria* from the Charge of this imaginary Ambition, it's enough that we can say, that she not only never aggrandiz'd herself by Conquests, except in the Countries of *Barbarians* and People unknown, or upon the Infidels in *Hungary*, but that she gave more to her Neighbours when she was victorious under *Charles V.* and *Philip II.* than *France* hath taken and detain'd from her Neighbours in above 50 years continued Usurpation. 'Twere easy to make the Comparison, were I only to treat of this matter; but I shall satisfy myself to observe by the way, that there was never any Power that gave less cause of Jealousy than that of the House of *Austria* in her two Branches.

To begin with the Emperors: Could there be any thing more chimerical, than to publish thro all *Germany* that they designed to make the Empire hereditary to their Family? Could the Life of one Emperor have been sufficient to execute a Design so contrary to the fundamental Laws of the Empire? And since all things must have been restored *in statu quo* at the *Interregnum*, would there not have been room then not only to have broke all the Measures any such Emperor had taken, but likewise to exclude his Posterity from the Government? And if the mere Jealousy of this did almost ruin the Emperor *Charles V.* (the powerfullest of 'em all) tho his Conduct tended to nothing else but the Preservation of the Catholick Religion in *Germany*, and of the Patrimony of his Family; what must have

have beſel his Succellors, who found the Empire divided by the coming in of the Proteſtant Religion, and all the neighbouring Nations concerned in the different Interests that aroſe from thence? There's no other Catholick Family in *Germany* that can maintain the Imperial Dignity, ſince the antient *Domains* of the Empire are alienated ; nor is there any other on whom this Dignity can be better conſer'd for the good of the Publick : the ſituation of their Hereditary Dominions makes them a Rampart to the Empire againſt the *Turk*, whoſe Power was always formidable to them ; as on the other hand, the aſſiſtance of the Empire was neceſſary to that Family for ſupporting them againſt the Infidels. 'Twas this reciprocal Obligation that fixed the Confidence betwixt the Head and the Members : 'Tis a very potent Houſe indeed, but could never give any juſt cauſe of Jealouſy to the *Germans*, becauſe of the continual Diversions this Houſe is expoſed to by the *Turks* and other Potentates, who confine upon the Dominions of *Auſtria*, and thoſe of the Empire. So that tho the danger from the *Turks* be over for ſome time, it is certain that 'tis much greater from *France*, who is already Miſtreſs of the Frontier of the Empire, and always finds Allies to ſhare the Spoils with her. This danger makes the reciprocal Obligation betwixt the Houſe of *Auſtria* and the Empire greater than ever, and renders their Union neceſſary to the preſervation of the whole Body. To this may be added, that the natural Goodneſs, Juſtice and Piety of the Princes of that Auguſt Family, ſeem to deſerve the Preference of being choſen Emperors.

As to the Agreement charged by *France* upon the two Branches of this Houſe to divide *Europe* betwixt them, 'tis yet more chimerical than the former : for what other Concert could they enter into

into but for their common Safety? *France*, so formidable of her self, is situated betwixt them. The Emperor is encompassed on all hands by potent Neighbours that are jealous of his Aggrandisement. The Protestants of the Empire and of the North are always upon their Guard, and observe the Emperor's steps. As to what concerns the Kings of *Spain*, since the time of *Philip II.* what Power, or what direction of Affairs have they had that was capable of giving the least Umbrage? They are separated from the Emperor by Sea; the Countries where they have Communication, as *Italy*, and the *Netherlands*, are encompassed with many neighbouring Dominions that join always with *France* to break their Measures. These Neighbours were needlessly alarm'd at the Power of *Philip II.* which proceeded from this, that they considered more the number and extent of his Dominions, than their situation, and what was wanting to make them consistent with one another to render them powerful, and to facilitate their Motion. Those Dominions being scattered up and down, and having no Communication with one another, they serv'd only to become a more easy Prey to their Neighbours. The more neighbouring Princes there were, the more Enemies the *Spaniards* had to combat. The necessity they lay under of dividing their Troops to resist so many different Enemies, made their Efforts weak every where; so that their being forced to act defensively in all their Dominions, reduced them to that degree of Weakness they were brought to in the last Reign.

It is matter of Fact that the Power of the Crown of *Spain* was only accidental as to its Operations without the Kingdom: *Charles V.* founded it by the Success of his Arms, and *Philip II.* his Son confirm'd it by the Victory of *St. Quentin*: It bore up afterwards during the time that *France* was embroil'd

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in Civil Wars, which continued till towards the end of *Philip's* Reign: But that Prince having neglected Arms, and applied himself to reign by Intrigue and Negotiations, he saw the Elevation and Declension of the Monarchy. The revolt of a few Provinces in the *Netherlands*, and the loss of his *Armado*, were enough to shake its Foundation: So that *Henry IV.* of *France* had no sooner put an end to the Troubles of his Kingdom by turning Catholic, but he form'd a design to overthrow *Spain*; and 'tis certain he had shook it terribly with the assistance of the *Dutch* and the Protestant States of *Germany*, had he not been prevented by a sudden Death. All the Losses which the Crown of *Spain* hath suffered since, and the Misery under which it groans at present, prove demonstrably that its Consistence was too weak to be durable, and yet this is what no body would believe; for *France* had so possessed the World with a false Idea of the Power of *Spain*, that there was no convincing them of the contrary till they saw it almost at an end.

It were proper in this place to take a view of the State of *Europe* under the House of *Bourbon* in its two Branches, and to compare it with what it was under the two Branches of the House of *Austria*. The Superiority of the eldest *French* Branch alone, considered in the advantages of its Situation, Government, Forces, and the Maxims of the Kingdom of *France*, were sufficient to put it beyond all comparison, and at the same time to shew the danger that results to all *Christendom* by such a great increase of Power: But that having partly been done already in a Treatise, intituled, *The Safety of Europe*, I shall content my self to add here, that if just Measures be not taken at present to prevent this Danger, there will be no retrieving it; for the younger Branch being once established in *Spain*, and all the Countries there-

thereupon depending, they will be both of 'em not only above all the Attacks of their Neighbours, but in a condition to swallow them up one after another.

There might be still some hopes of retrieving *Spain*, tho in the hands of the Family of *Bourbon*, by the different Interests which Time and the natural Antipathy betwixt the *Spaniards* and the *French* might occasion: But *France* hath so far the Ascendant over the other, that their Monarchy can subsist no longer, nor in no other manner than as she pleases, as I shall shew more at large in the sixth Chapter. In effect, *Spain* and the *Netherlands* which lie contiguous to *France*, stretch out their Arms to her to prevent their being overwhelmed: The States of *Italy*, tho not contiguous, labour under the same fears, and are ready to submit to the *French* Yoke. The *Milanese* is already full of *French* Troops; and the Kingdoms of *Naples* and *Sicily*, with whom she has a free Communication by Sea, that no Foreign Power can interrupt, are upon the brink of being overrun with them. In a word, they all run headlong into Servitude, the *Spaniards* speak the *French* Dialect in their Writings already better than the *French* themselves; so that *France* hath nothing more to do but to turn the Arms of *Spain* against her own Allies, whom she hath already made her to consider as her Enemies, and in that manner induces her to conspire her own ruin.

To prevent this evident danger, there's a necessity to assist the House of *Austria* to regain her Inheritance, that the Arch-Duke may be settled there according to the mind of the late King. Justice and publick Interest demand it, and this Justice is so well founded, that we have no reason to doubt but God who gives Victory to those who

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are worthy of it, * not according to the strength of their Arms, but according as he pleases, will bless the Arms of that August House, and her Allies. It remains then that I should prove the Justice of her Title, which I shall do in the following Chapter.

C H A P. II.

The Justice of the Emperor's Pretensions to the Succession of Spain.

I Shall not here undertake to establish the Emperor's Right to the Crown of *Spain* by the Titles and Records of his Family, because it's neither my Inclination, being a Stranger; nor does my Character qualify me to turn over the Archives of the House of *Austria*, or to prove their Right by Law: And indeed it is so well establish'd by Treaties made betwixt the Crowns of *Spain* and *France*, and by Acts in consequence of those Treaties, that all other Proofs to me seem unseasonable. I shall insist therefore principally upon those Treaties and Acts which ought to be the Rule of the Succession; and if I enlarge sometimes to shew the Justice of them, 'tis only by the by, and for the Conviction of those that may be prejudic'd in favour of *France*. I must also own that I have advanc'd nothing as to the Emperor's Right, and the Justice of his Pretensions, but what all *Spain* have acknowledg'd and publish'd before me in their Answers to the *French Manifesto*

* He called upon the Lord who gives Victory to those who are worthy of it, not according to the strength of their Arms, but as it pleases him, 2 Mac. 15. 21.

of 1667. when they prov'd the Validity of the Renunciations of the two last *Infanta's* of *Spain* married in *France*, and of the Wills of *Philip III.* and *IV.* made in Execution of those Treaties and Renunciations.

Every body knows that *Philip* of *Austria* by his Marriage with *Jeanne* of *Castile*, settled the Crown of *Spain* in his own Family, and that *Ferdinand* the Catholick his Father-in-law having surviv'd him, all the Dominions of that vast Succession fell to *Charles* the eldest Son of *Philip* in form of Majorat, *i. e.* an Entail according to Seniority; so that the Right of *Ferdinand Charles's* youngest Brother continued at that time under suspence in favour of the eldest Issue, so long as there was any of them duly qualifi'd for preserving the Monarchy entire, according to *Ferdinand's* Intention.

The admission of *Philip* to the Succession of *Spain* as Husband to *Jeanne*, and a Stranger, cannot be drawn into Consequence in favour of that of the D. of *Anjou*, were there nothing else to be said against it but the Order of the Succession; for that was every way a privileg'd case, which can never happen in the House of *France*, nor in any other in *Europe*, because, tho the House of *Austria* aggrandiz'd her self by this Succession, the Crown of *Spain* reap'd all the advantage of it by the addition of many Dominions.

1. If *Philip's* external Qualities acquir'd him the Sirname of *Handsom*, his internal Qualifications entitl'd him to one that was infinitely greater, which was to be call'd the *Delight of Mankind*, in imitation of the Emperor *Titus*: He was a Stranger it's true, but of a Family that was neither suspected to the Crown of *Spain*, nor odious to their Nation; and his admission augmented the Lustre and Dignity of the Royal Family, by adding thereunto the Succession of the House of *Burgundy*, which he inherited

rited from his Mother, and the prospect of that of the Emperor *Maximilian* his Father, he being his only Son ; so that all these Advantages being considered, he deserv'd to be look'd upon as a Countryman, and Brother, and not as a Stranger.

2. *Philip* came to the Crown of *Spain* on an extraordinary occasion, which was the Extinction of the Royal Family, that happened by the death of the Prince of *Castile* Brother to *Jeanne*, and by that of *Mary* her elder Sister who had been married to *Emanuel* King of *Portugal* : therefore *Ferdinand* his Father-in-law being without any other Heir, and *Jeanne* not having renounced her Right, he could do no less than leave her the Succession, especially when the publick Conveniency fell in with it to such an eminent degree.

3. Tho there was no difficulty as to the Crown of *Castile*, and the Dominions thereupon depending, because they descended to *Jeanne* from her Mother who died before *Ferdinand*, yet there were great difficulties as to the admission of that Queen and King *Philip* her Husband to the Crown of *Aragon* : for the States of the Kingdom oppos'd themselves to it, because of their Fundamental Laws against the Succession of Women, and admission of Foreigners ; they alledg'd the Examples of *Jeanne* and *Violante* Daughters to *John I.* King of *Aragon*, who had been excluded because they married Strangers ; they insisted likewise on the Settlements made by all their Kings in conformity to those Laws, and on the prejudicial Consequences that might attend the Violation of them. *Mariana* * and all the other Historians who treat of *Ferdinand's* Reign, give us an account of the long Disputes there were on this Subject, and that the States did not only oppose

* *History of Spain*, Tom. 2. lib. 24. cap. 5.

this Succession by their Laws, but threatned to oppose it by Arms, so that *Ferdinand* was oblig'd to make use of his Royal Authority to perswade them to it; and it's probable that he had lost his labour, but that they consider'd the advantage that would redound to their Crown by the Assistance of the House of *Austria*, which would enable them to preserve the Kingdoms of *Naples* and *Sicily*, that depended upon that of *Aragon*. This Consideration I touch by the way, to shew, that if the Laws and Customs of *Castile* are favourable to Daughters, those of *Aragon* are against them, and by consequence support the Title of the Male Line of *Ferdinand* I. exclusive of the Female Line of *Charles*, tho' latter Settlements had not confounded the Right of the Males and Females.

4. *Philip* augmented the Lustre and Grandure of the Crown of *Spain*, by adding thereunto the Dominions that fell to him by his Mother, besides the hopes he brought of adding those that belonged to his Father, and of succeeding him in the Empire after his death, or at least of leaving the prospect of it to his Son. This Dignity could not but be honourable to *Spain*, and contribute to the safety of its Dominions in *Italy* and the *Netherlands*, besides other advantages that might accrue from it. In effect it happen'd to be so, for *Charles* his eldest Son being chosen Emperor, he continued to aggrandize that Crown, by giving the Dutchy of *Milan* as a Fief to *Philip* II. his Son, an advantage which *Spain* could not have reaped from any King but one of the House of *Austria*. This Advantage was so much the greater, that the Dutchy of *Milan* having opened the way for a Communication betwixt the two Branches of the House of *Austria* in *Italy*, the Crown of *Spain* was thereby enabled not only to preserve the Kingdoms of *Naples* and *Sicily* against

against the several Attempts of *France*, but likewise to augment her own Power. To this may be added, that the present Emperor in the General Meeting of the States of *Hungary* held at *Presburg* in 1687. at the Coronation of the Arch-Duke *Joseph* his eldest Son, now King of the *Romans*, obtain'd that the Succession of that Crown should be settled upon the late King of *Spain*, and his Issue Male, failing that of the Imperial Line. The States of *Hungary* readily consented to this, which very much tended to the preservation of the Name, Lustre and Grandeur of the Royal Family, and particularly to the Glory and Advantage of the Crown of *Spain* in the Male Issue of *Charles V.* This was an Effect of the *Hungarian* Gratitude towards the Emperor, for his paternal care in delivering that Kingdom from the *Ottoman* Yoke, under which 'twas ready to fall.

I shall conclude the Advantages of admitting *Philip I.* with this, that it brought the *Spaniards* a Race of Kings whose Clemency and Justice they could never enough admire, Princes that behav'd themselves more like common Fathers than Masters and Sovereigns, that never had any other Interest than that of their People, that never took Arms but in just Defence, and who never made use of their Power and Dignity but to procure the Welfare and Felicity of their People. This Advantage alone is so great, consider'd in all its Circumstances, as might well entitle the House of *Austria* to the Preference in the present case, tho there were no other intervening Obligations from Justice and Right; and so much the more, that those Qualities are hereditary to the Family, and that with so much distinction as puts it beyond all comparison. But since I shall touch this Consideration elsewhere, I will now resume the thred of my Discourse, and return to the Children of *Philip*.

It is known to the World that *Charles* was prefer'd to the Succession as being the eldest: The *French* themselves have advanc'd in their *Manifesto*, that *Ferdinand* design'd to have prefer'd the younger Brother to the elder, because he was born in *Spain*, and bred according to the Customs of that Nation, whereas *Charles* was born in the *Netherlands*, and bred according to the Customs of that Country; but he was prevail'd upon by his Ministers to lay aside that Design; when he was at the extremity upon his Death-bed, they represented to him the right of Primogeniture in the Person of *Charles*, as that which was establish'd by the Law of Nations, and the Laws of the Country; and at the same time that by this means all the Dominions of the Monarchy would be kept entire, and become more potent. To this they say he yielded, but not without difficulty. But admitting all this to be mere Supposition, since History tells us nothing of it, but that *Ferdinand* being at the extremity, sent for his Ministers to consult them how the Kingdom should be govern'd in *Charles's* absence, and took order about it in his Will; yet it affords us this Consequence, that if *Charles* his being born out of *Spain* could not prejudice his acquir'd Right, that of *Ferdinand's* Male Offsprings being born in *Germany*, could not prejudice their Right of Representation, failing the Male Issue of *Charles*.

The two Sons of *Philip* having each of them founded a Branch, viz. that of *Charles* which reign'd in *Spain*, and that of *Ferdinand*, to whom *Charles* had quitted the Hereditary Dominions of the House in *Germany*; the Extinction of the Male Issue of the eldest does naturally entitle the Male Issue of the younger to the Succession, by the Right of representing *Philip* the Author of the two Branches. For *Charles* having united in his Person the Domini-

nions of his Family in *Germany*, as Grandson of the Emperor *Maximilian*, and those of the Crown of *Spain*, as eldest Son to his Mother Queen *Jeanne*; the Substitution of *Ferdinand* and his Male Issue was then sufficiently founded, as to the exclusion of the Female Issue of *Charles*, especially in the Kingdom of *Aragon*, and the incorporated Fiefs, where it hath always obtain'd. This is what ought to be considered apart, as being independant on posterior Settlements, which have given the Emperor a Right to the whole.

Afterwards the two last *Infanta's* of *Spain*, who were married in *France*, having renounced the Succession of their Fathers Kingdoms and Dominions, those Rights descend upon the present Emperor, from his Mother the Empress *Mary*, Daughter to K. *Philip III.* as being next in the order of Succession, and own'd as such in her Contract of Marriage with *Ferdinand III.* who was then King of *Hungary* and *Bohemia*: This was likewise own'd in the Will of the King his Father, which hath been confirm'd since by that of *Philip IV.* so that the Male and Female Right to the whole Succession, is at present center'd in his Imperial Majesty.

But before I enter upon the detail of those two Titles, I find my self oblig'd to observe, 1. That the Monarchy of *Spain* being compos'd of several Kingdoms and Dominions, in which the form of Succession was different, before the Union in the Person of *Charles* eldest Son to *Philip I.* each of them preserv'd their Municipal Laws, Statutes and Privileges, as I shall shew anon. 2. That *Charles* never pretended to lessen his Brother's acquir'd Right by any of those Dispositions that are ascrib'd to him; * when of all his Kingdoms and Dominions he con-

* Sandoval. *History of the Emperor Charles V.* 2 Part.

stituted a Body of a Monarchy, that was to be indivisible in form of a Majorat, and declar'd his Succession according to the antient form, which he found settled in the Kingdom of *Castile*, appointing *Philip II.* his only Son and his Offspring for ever Heirs to his Crown and Dominions; and failing the Male Issue, the Daughters were to succeed according to priority of Birth. 3. That this Disposition which derogated from the antient form of succeeding in the other Kingdoms and Dominions might subsist, as long as the difference was taken away by the Succession of Males; but this hapning to fail, and the Succession passing into a Foreign Family by the Marriage of a Daughter who should be Heiress; the Kingdoms and Dominions where the Males had the Right of Succession exclusive of the Females, are indispensably oblig'd to own the Emperor preferably to all others, as Heir to *Philip I.* Such are the Kingdom of *Aragon*, and the Dominions depending upon it, as I have already said; and such are the *Netherlands*, which the Catholick Kings possess'd only in quality of Arch-dukes, as the Emperor *Charles V.* own'd himself in the Transaction betwixt him and the Empire at *Ausburg* An. 1548.

This being suppos'd; as the Female Succession in any other Family than that of *Austria*, must have necessarily produc'd the dismembring of the Monarchy which *Charles* design'd to make indivisible, according to the mind of *Ferdinand* his Father-in-law; he and the Kings his Successors have taken care to establish the Female Right in the younger Branch by marrying their Daughters with it. *Charles* was the first that practis'd it, by marrying the *Infanta Mary* his eldest Daughter to *Maximilian* his Nephew, afterwards the second Emperor of that Name.

Those Precautions, tho consider'd without relation to this necessity, will be found to be as just and natural

natural as possible. The Male Issue of *Charles* had a Right to the Succession of the Hereditary Countries of the younger Branch in *Germany* in default of Males, by the Right of Kindred of the Father's side, which takes place there, and hath always been observ'd by that August Family. This appear'd by *Philip IV's* refusing to consent to the Alienation of the two *Alsatia's*, which were yielded to *France* by the Treaty of *Munster*, as in effect, when he yielded his Right to the Crown of *France*, it was in favour of the Marriage of the *Infanta* his Daughter with the most Christian King, on condition of her renouncing the Crown of *Spain*. Whence it follows, that if the order of Succession in the elder Branch was prejudicial to the younger, 'twas but just to remedy the same by Marriages. Then as to natural Obligation, could there be any thing more obliging upon a Sovereign, than to preserve in his Family the Lustre and Dignity which it inherited from its Ancestors, as long as it could possibly be represented in the Male Line? Nor could there be a more indispensable Obligation besides, with respect to the publick Welfare, that results from it, as I shall shew by and by.

'Twas upon this account that Marriages were so frequent betwixt the two Branches, and there hath been a continued Circulation of Blood betwixt them ever since their Separation, so that they were reunited in the last King by the Queen his Mother, who was the Emperor's Sister, as they are still reunited in the present Emperor by the Empress his Mother, who was Daughter to *Philip III*.

It is true that the Emperor *Charles V*. seems to have derogated from the order of Primogeniture, Indivisibility, and mutual Obligations, which I just now mentioned, in favour of *France*; when, in the Marriage which was projected at the Treaty of
Crepy

Crepuy, An. 1544. betwixt the *Infanta Mary* his eldest Daughter, and *Charles D. of Orleance*, second Son to *Francis I.* 'twas stipulated that he should yield the *Netherlands* to the *Infanta*, in consideration of this Marriage: But it must be considered that this was a Treaty of Conveniency, and that if *Charles* lost the *Netherlands*, he was to have in Exchange the Dutchy of *Milan* and the County of *Asti*, which were necessary for him in order to a Communication betwixt his Dominions in *Italy* and *Germany*: And besides, tho the *Netherlands* were then much more considerable than the Dutchy of *Milan*, he might in yielding them to a younger Son of *France* have it in view, to revive in his Person and Descendants, the antient Quarrels of the House of *Burgundy* betwixt the two Branches. He knew well enough that those Countries were extraordinary convenient for *France*, as being contiguous, and that therefore they would furnish them matter to keep them in play, which would contribute to preserve the Peace of his other Kingdoms and Dominions. The Discourse which that Emperor is said to have had with the Constable of *France* about the Consequences of that Marriage, as related by *Sandoval* his Historian, * and upon which the Arch-bishop of *Ambrun* so causlessly triumphs, can be look'd upon as nothing else but a Complement fram'd to persuade *Francis I.* to quit his Pretensions to the *Milaneze*, on a View which suited his Humour, tho remote: For the Union betwixt those two Princes was never such, as to allow us to infer that *Charles* had the least thought to suffer his Succession to devolve upon the Family of his Rival, in prejudice of his own. Besides, he could not but have learned from the History of *Castile* and *Aragon*, that

* *Defence of the Queen's Right*, p. 65.

the *Spanish* Nation would never submit to a *French* Government.

It's proper to observe here occasionally, that in those Exchanges 'twas stipulated, that *Philip* the Son of *Charles* should renounce the *Netherlands*, and that *Francis* I. the *Dauphin* his eldest Son, and the *Infanta Mary* should in like manner renounce their Rights to the Dutchy of *Milan* and the County of *Asti*; which suffices to shew, that there's neither any Fatality in the order of Successions, nor Novelty in Renunciations, tho there were not so many precedent and subsequent Examples to prove it. I only touch this by the way, because I shall treat on this Subject afterwards.

In all other cases the care of the Catholick Kings hath ever been uniform: For if *Charles* V. disposed of the *Netherlands* in favour of the second Marriage of *Philip* II. his Son with *Mary* Queen of *England*, it was with a design to found a Majorat for the Children of that Marriage; and if it was agreed in the Contract, that in case they had none but Daughters, the eldest should inherit all, it was on condition that she should marry with the good liking and advice of the Catholick King, which must have been *Charles* Son to *Philip* by the first Marriage, who would not have fail'd to match her with a Prince of his own Family. Such was also the Motive of the Proposal, which *Philip* II. order'd to be made to the States General of the Kingdom of *France* assembled in 1593. to chuse a King of the Catholick Religion: For when he offer'd to join the *Netherlands* to *France*, in case they would declare the *Infanta Isabella* his Daughter their Queen, according to her Right, 'twas on this condition, that they should agree to her Marriage with the Arch-Duke *Ernest*. 'Twas the same Motive that induc'd him to grant the *Netherlands* afterwards to that *Infanta* in

in favour of her Marriage with the Arch-Duke *Albert* ; and he inserted the same Conditions that had been stipulated for himself on his Marriage with Queen *Mary* of *England*, both as to the Reversion of those Countries to the Crown, failing Issue, and as to the Consent of the Catholick Kings his Successors to the Marriage of such Daughter as the Succession should devolve upon, failing their Male Issue ; which Consent they would not have given, but in favour of a Prince of their own House, had there been any.

It was upon the same Motives that the Catholick Kings, in marrying Princesses of the younger Branch, approv'd the Renunciations they made in favour of the Males of the elder Branch, as to their Right of Succession to those Kingdoms and Dominions where Daughters might succeed. *Philip* II. did thus, when he married the Arch-Duchess *Ann*, Daughter to the Emperor *Maximilian* II. and afterwards *Philip* III. Son to that Arch-Duchess did the like, by extending her Renunciation to the Male-Issue of the Arch-Duke *Ferdinand*, the 2d Emperor of that Name.

But that which demonstrably proves, that the Catholick Kings never laid any thing more to heart, than to preserve the Right of Succession in the House of *Austria*, is this, That on all the Occasions they had to marry their eldest Daughters in *France*, for the publick Conveniency, they would never hear of it but on Condition of their renouncing their Right.

The Marriage of Queen *Eleanor*, Sister to the Emperor *Charles* V. and Dowager of *Portugal*, with *Francis* I. King of *France*, is the first Instance ; for her Renunciation was stipulated in the 15th Article of the Treaty of *Madrid*, where 'tis said in express Terms, That she should not pretend to, nor demand any thing whatever, of the Estate, Heirships, and Successions

sions of the Emperor Maximilian her Grandfather, of Don Philip K. of Castile her Father, nor of Queen Jeanne her Mother; and the said Dame Eleanor renounces the same expressly on her part from henceforward, &c.

If that Queen did not specially renounce the Kingdoms, 'twas because at that time the Subtiltys and litigious Evasions of *France* were not so dangerous; for those are chiefly owing to the Success and Prosperity of the present Reign. At the Treaty of *Chateau Cambresis*, where the Marriage of *Elizabeth* of *France*, Daughter to *Henry II.* with *Philip II.* of *Spain*, was agreed on; the Renunciation of that Princess was conceiv'd in the same Terms, as is plain by the 28th Article. A simplicity which shews the sincerity of those Times, and which being reciprocal, proves that then there was no other Solemnity observ'd in *France* and *Spain*, in renouncing Royal Successions. The truth of this is confirm'd by several following Instances, and amongst others by that of Princess *Margaret*, Sister to *Elizabeth*, whose Marriage was agreed with *Emanuel Philibert* Duke of *Savoy*, in the 34th Article of the same Treaty; and by that of *Mary de Medicis*, in her Contract of Marriage with *Henry IV. K.* of *France*, concluded in 1600, where we find that her Renunciation of the Succession of her Father and Mother is not more particular, tho founded upon the same Design.

There is this further Reason for the simplicity of the Renunciations of *Eleanor* and *Elizabeth*, that in regard of the latter the Succession was settled upon the four Princes her Sons, and for the former there were four Lines to be extinguish'd before the Succession could fall to her Off-spring; the 1st was that of *Philip II.* Son to the Emperor *Charles V.* who had Sons of his own; the 2d was that of the K. of the *Romans*, Brother to *Charles V.* the 3d, that of the K,

K. of *Portugal*, Son to a Daughter of the same Emperor ; and the 4th was that of the three Sons of the 1st Marriage of the King her Husband, all which were to succeed before her Off-spring : So that 'twould have been morally impossible that the Crown of *Spain* could by this Marriage devolve upon a Foreign Family ; besides, this Queen was already so far advanc'd in Years, as to make her having any Issue doubtful. Be that how it will, *Francis I.* said nothing against that Renunciation, in the Manifesto which he published upon his return to *France*, wherein he protested against the Treaty of *Madrid* as null ; and tho he afterwards solicited the *Turks* against the Emperor *Charles V.* yet he had Religion enough to observe the Conditions of his Contract of Marriage.

The Marriage of the Infanta *Ann* of *Austria*, eldest Daughter to *Philip III.* with *Louis 13th* K. of *France*, affords us a second Instance ; for tho the Succession was settled then upon three Princes, *Philip* would never consent to the Marriage but on condition of her Renunciation, and that expressly in relation to the Royal Successions, in order to prevent all occasion of Dispute. And indeed *Lewis XIII.* who knew the Justice and Necessity of it, made no difficulty to acquiesce in it : This occasion'd a double Marriage, viz. that of Prince *Philip*, Son to *Philip III.* with *Elizabeth* Sister to *Lewis XIII.* both on condition that they should mutually renounce, as I observ'd in the 1st Part : In consequence of which *Philip III.* married the Infanta *Mary* his younger Daughter to the Emperor *Ferdinand III.* Father to the present Emperor, in order that the renounced Rights should come to his Family according to the Order of Primogeniture, which was devolv'd upon him, as appear'd by the Contract of this Princess, and by the 38th Article of the Will of the King her Father.

At

At the third Marriage *Philip IV.* continued to give a further proof of this design; for 'tis known to the World, that so long as the Infanta *Mary Therese*, his eldest Daughter, could give Occasion, after the Death of the Prince Don *Balthasar* her Brother, to him that should marry her, to pretend to the Crown of *Spain*, he never design'd to marry her to any but a Prince of his own Family: therefore 'twas that he treated first about marrying her to the K. of *Hungary*, and afterwards with the Arch-Duke *Leopold*; and until the Occasion was remov'd by the birth of a Son, she was design'd to be married to the Emperor: and therefore tho the Queen-Mother of *France* his Sister, had often demanded her for the King her Son, with a promise of all sorts of Advantage in the Terms of the Peace, which was to be the fruit of that Marriage, she was constantly refus'd him; and tho he yielded to her solicitations afterwards, when he saw his Succession establish'd by a Prince, and had hopes of more Issue by the Queen his Wife, it was on the same Condition of Renouncing, according to the Example of Queen *Ann*, after which he married his younger Daughter to the present Emperor, upon whom 'twas his design that the Renounced Rights should devolve.

Such were the precautions taken by the Catholick Kings, in marrying their Daughters with the Kings *Lewis XIII.* and *XIV.* in order to exclude the House of *France* from their Succession, and to ascertain it to the House of *Austria*: Upon which 'tis observable, that the *French* never found fault with Q. *Ann's* Renunciation, tho it serv'd as a Ground and Model for that of Q. *Mary Therese*, the two Contracts being the same in all the essential Points, as any one may see by comparing them.

The design of Queen *Ann's* Marriage was to settle a perfect Union betwixt the two Crowns, by a
double

double Tie ; and that of the late Queen of *France's* was to put an end to a War of 25 Years continuance. That which was particular in the Contract of the former was, That the Marriage of Prince *Philip* her Brother with *Elizabeth* of *France*, being occasion'd by hers, the Exclusion of that Princess was reciprocally stipulated for settling an Equality in the Order of Succession betwixt the two Families.

The Cause of the Exclusion of the two Queens from the Succession was the publick Welfare, the Advantage of the two Crowns, and the preservation of the *Spanish* Monarchy in the House of *Austria* ; all of them essential, indispenfible, and sovereign Reasons.

The Renunciations of the two Queens in consequence of the Exclusion were double, with relation to the two different Titles, and they swore to each of them : As Daughters of the Family they renounc'd their legal Right or Share, in consideration of a Dowry, which they confess to have been the greatest that ever was given to an Infanta of *Spain*, and which was duly settled, but with this difference, that that of Queen *Ann* was quit for Queen *Elizabeth's* ; whereas that of Queen *Mary Therese* was to be actually paid, and would have been so in Effect, if the most Christian King and she had given the Act of Obligation and Approbation, promis'd by the 6th Article of the Contract ; which being a Condition to be fulfill'd immediately after their Marriage, was prior to the Terms set down in the second Article, for paying the Dowry : so that if there was any delay, all the blame is to be charg'd upon the most Christian King, and not upon his Catholick Majesty, who expected in vain till the day of his Death, the K. of *France's* Accomplishment of his Promise, and consider'd it in the 17th

Article

Article of his Will, as an *Obligation of Justice and Conscience.*

As King's Daughters they renounc'd for themselves and their Off-spring, all Right of Succession to their paternal Kingdoms and Dominions, in favour of the two Kings their Fathers and Sovereigns, to the end they might dispose of the renounced Rights to the greatest Advantage of their Crown and Family; this they were the more oblig'd to because their Fathers had provided them a present Crown, equivalent to that of *Spain*, which was so uncertain and remote, and to which they could not succeed, without prejudice to the Welfare of *Christendom*, of their Country, and of their Family.

Both of them confirm'd their Acts of Renunciation, by an Oath which is of such Authority according to all Law, that tho there had been no other Solemnity, it was sufficient to make their Renunciations legal, valid, and perpetual, and not capable of being altered by any Reason of Law, Policy, or State.

In fine, the Contracts were stipulated and agreed on betwixt the two Kings, as the principal intervening Parties, solemnly ratify'd and approv'd by them; and the 2d Contract had this further Solemnity, that being the principal and most worthy part of the Treaty of the *Pyrenees*, it was sworn to by the present K. of *France*, as well as by K. *Philip IV.* in presence of all the *Grandeess* of both Kingdoms, at the Ratification of this Treaty. Upon which we must also observe, that the Obligation of an Oath is so great in all publick Treaties, for accomplishing the Contents of them, that all other Solemnities are look'd upon to be but Accessary, as might be easily prov'd by the universal Consent of all Nations, and by the Authority of all Laws, divine and human.

The causes of Justice and Charity, which are held necessary in Treaties of Alliance, for the Surety of the publick Faith, by virtue of which the Prince is always subject, and oblig'd to Accomplishment, are to be found in those two Contracts, and in the Acts of Renunciation by the two Queens. They are publick, so that every one may be Judg of the truth of this. Nevertheless, since *France* hath constantly impugn'd the latter, that she might have occasion to pretend to the Crown of *Spain*, and that the admission of the D. of *Anjou* is directly contrary to the tenor of it, I am of Opinion that there's nothing can more effectually overthrow the trifling Pleas upon which she grounds such an unjust and scandalous Usurpation, than to exhibite the Act of Renunciation by the late Queen of *Spain* in execution of the 5th and 6th Articles of her Contract, which excludes her, and all her Posterity from her Father's Kingdoms and Dominions; and I have likewise thought fit to exhibite the said Articles.

C H A P. III.

The Act of Renunciation by the late Q. of France, in Conformity to the 5th and 6th Articles of her Contract of Marriage, importing her Exclusion from her Father's Kingdoms and Dominions.

THE Lady *Mary Theresa*, Infanta of both *Spains*, and by the Grace of God, future Queen of *France*, eldest Daughter to the most High, most Excellent, and most potent Prince, Don *Philip IV.* by the same Grace Catholick King of both *Spains*, my Lord (whom God preserve and prosper) and of the

most High, most Excellent, and most potent Princess the Lady *Isabella*, the Catholick Q. of glorious Memory, my Mother and Lady (who is in Heaven.) By the Narrative and Publication of this Instrument and

¹ A publick Act relative to the Contract.

Act of Approbation, Confirmation and Ratification, and of what is further therein contain'd, *in perpetuam rei Memoriam*. Be it known and manifest to Kings, Princes, Potentates, Republicks, Communities, and particular Persons, that are now, or shall be in all time coming, that forasmuch as the most High, most Excellent, and most potent Prince, *Louis XIV.* the most Christian King of *France*, my Cousin German, sent the Marechal D. *de Grammont* on a particular Embassy, to the Catholick King my Lord, to demand and propose in his Name, that I should be betroth'd and married to the said most Christian King my Cousin; and his Catholick Majesty having a just Esteem of that Offer and Proposal, and a due regard to Decency, Equality, and publick Conveniency, ² which met in this Marriage, granted and agreed to the same, having beforehand a Dispensation from his Holiness for the Kindred and Consanguinity betwixt me and the most Christian King my Cousin; and that afterwards in Consequence of this Oñtroy and Agreement, and with the Powers of their Catholick and most Christian Majestys, our Treaty of Marriage was agreed to, and signed the 7th of *Novemb.* 1659. in the Isle of *Pheasants*, in the River *Vidassoa*, depending on the Province of *Guipuscoa*, confining on these Kingdoms, and that of *France*; and that in the 5th and 6th Articles of the said Treaty, ³ it was resolv'd and agreed on conjunctly, and with one Accord, as

² The publick Conveniency, the Motives of the Marriage.

³ This Act founded on the Covenant agreed on betwixt the two Kings.

a thing very convenient, after having consider'd it carefully, and with mature deliberation, that I and the Children and Descendants which it may please God to give us by this Marriage, be, and remain incapable, and absolutely excluded from all Right and Hope to succeed to any of the Kingdoms, Dominions, and Lordships, belonging to the Crown and Monarchy of *Spain*, or that may be added thereunto by his Catholick Majesty, or after his Life (which God grant may be long and happy) by the Kings his Successors;

⁴ By Consequence upon the Faith of publick Treaties.

⁵ For the Welfare of their Kingdoms, in the Name of their Subjects.

⁶ Who are willing it should have the force of a Law.

⁷ Tho the Covenant was firm enough in Law.

⁸ The two Kings would have the Act according to the Covenant.

⁹ Before the Marriage was solemniz'd.

and ^{*} tho it be agreed on by Covenant betwixt Princes and Sovereign Kings (who in Temporals own no Superior) out of their Favour and Good-will to the publick Cause of both Kingdoms, ⁵ and that they have condescended to this at the desire and joint Wishes of their natural Subjects and Vassals, who are willing ⁶ that it should have the Force and Vigour of a Law and Pragmatick Sanction, and that it be receiv'd and observ'd as such; and tho on that Account it would seem ⁷ there's no need of any other Solemnity to make it firm, yet nevertheless it is their Majestys Will ⁸ (if my Approbation might be convenient on any Consideration whatever) that I should incontinently give it, when the Marriage agreed on came to be Solemniz'd and Contracted ⁹, and that my Approbation should have all the Clauses and necessary Solemnitys according to, and as it

is stipulated ¹⁰ and declared more particularly by the Act of ten Articles, the tenour of the 5th and 6th of which taken from the Original are inserted here *Verbatim* as follows.

The Vth Article.

'THAT' forasmuch as the most Christian and Catholick Kings are come to make a Marriage, that by this Tye they may so much the better perpetuate and assure the publick Peace of Christendom; ¹² and betwixt their Majestys that Love and Brotherhood ¹³ which every one hopes will be betwixt them, and also in Consideration of the just and lawful Causes, which shew and demonstrate the Equality, ¹⁴ and the Convenience of the said Marriage, by means of which, and through the Favour and Blessing of God, all Men may hope for happy Success, to the great Advantage ¹⁵ and Increase of the Christian Religion and Faith, to the Welfare and common Benefit of the Kingdoms, ¹⁶ Subjects, and Vassals of the two Crowns; as also for what relates to the Welfare of the Publick ¹⁷, and the preservation of the said Crowns; which being so Great and Potent, cannot be reunited in one, and that hence-

¹⁰ According to the 5th and 6th Articles.

¹¹ The Motives of the Marriage.

¹² The publick Peace.

¹³ An Union betwixt the 2 Kings.

¹⁴ Equality and Convenience.

¹⁵ The publick Good of Christendom.

¹⁶ Of the two Crowns.

¹⁷ The Conjunction of them prejudicial to the Publick.

forward

¹⁸ Equality the
foundation of the
Agreement.

¹⁹ The Covenant
betwixt the two
Kings.

²⁰ To have the
force of a perpetu-
al Law.

²¹ In favour of
their Kingdoms.

²² The Children
and all the Off-
spring of the Infan-
ta, in infinitum,
excluded from the
Kingdoms and Do-
minions of the
Crown of Spain.

²³ Present or to
come for ever.

forward it is the design to pre-
vent the Occasion of such a
Conjunction ; then considering
the quality of the abovementi-
on'd, and other just Reasons, and
especially that of the Equality,
that ought to be preserv'd,
their Majesties agree by Contract
and Covenant, between them-
selves, which shall have the Force
and Vigour of a firm and stable
Law for ever, in favour of
their Kingdoms, and the publick
Welfare of the same, that the
most serene Infanta of Spain,
the Lady *Mary Therese*, and
the Children born of her, whe-
ther Male or Female, and their
Off-spring of the first, second,
third Generation, or of what-
ever other degree, shall never
succeed to the Kingdoms, States,
Lordships, and Dominions which
appertain, or may appertain to
his Catholick Majesty, and which
are comprehended under the Ti-
tles and Qualities mentioned in
this present Agreement, nor to
any of his other Kingdoms, Do-
minions, Lordships, Provinces,
Isles adjacent, Fiefs, Chieftainrys,
nor to the Frontiers which his
Catholick Majesty possesses at pre-
sent, or which pertain, or
may appertain to him, either
within or without the Kingdom
of Spain, or which in time to
come

' come his said Catholick Majesty, or his Suc-
 ' cessors shall have, possess, or have belonging
 ' to them, nor to any of those that are com-
 ' prehended in those, or depend upon them, nor
 ' to any of those which hereafter, or in what
 ' time soever he may acquire, or add to his above-
 ' mentioned Kingdoms, States, Islands, Domini-
 ' ons, or which he may recover, or may devolve
 ' upon him, or by what other Titles, Rights, or
 ' Reason soever, tho it should be during the Life
 ' of the said most Serene Infanta the Lady *Mary*
 ' *Theresa*, or after her Death, or in that of any of
 ' her Off-spring, first, second, third
 ' Generation, or further ; ²⁴ that
 ' in the Case or Cases by which ei-
 ' ther of Right, or by the Laws
 ' and Customs of the said King-
 ' doms, Dominions, and States,
 ' or by the dispositions of Titles by
 ' which they may succeed, or pre-
 ' tend that the Succession of the
 ' said Kingdoms, &c. ought to be-
 ' long unto them : From the Suc-
 ' cession to which ²⁵ in all the a-
 ' bovementioned Cases, from this
 ' time forward, the said Lady *Ma-*
 ' *ry Therese*, the Infanta, owns and
 ' declares her self to be, and remain
 ' well, and duly excluded, together
 ' with all her Children and De-
 ' scendants, Males or Females, tho
 ' they would, ²⁶ or might say and
 ' pretend, that as to their perso-
 ' nal Right, neither the said Rea-
 ' sons of the publick Welfare, nor
 ' any other upon which the said
 ' Exclusion may be founded, can

²⁴ *The admis-*
sion of younger Sons
expresly prohibited,
and provided a-
gainst.

²⁵ *The Infanta*
renounces for her
self and her Off-
spring,

²⁶ *The motive of*
admitting the D. of
Anjou, prevented
and renounced,

²⁷ Even in case
the Lineage of the
Catholick Kings
should fail.

²⁸ The Exclufi-
on renew'd, her Off-
spring cannot suc-
ceed in no time nor
manner.

²⁹ Notwithstand-
ing any Laws or
Customs of Spain or
France to the con-
trary.

³⁰ The 2 Kings
solemnly abrogate
them.

take place; or if they should
allegd (which God forbid ²⁷)
that the Succession of the Catho-
lick King, or of the most serene
Princes and Infanta's, and of the
Males which he hath, or may
have for his lawful Successors,
hath ceas'd and fail'd, ²⁸ because,
as has been said, that in no case,
in no time nor in any manner
whatever, neither she, they, nor
their Heirs and Descendants must
succeed, nor pretend any Right
to succeed, notwithstanding any
Laws, Customs, Ordinances, and
Settlements, by virtue of which
any have succeeded to the said
Kingdoms, Dominions, and Lord-
ships, and also notwithstanding
all the Laws and Customs of the
Crown of France, ²⁹ which op-
pose this abovementioned Exclu-
sion, as well for the time present,
as for the time to come; and
notwithstanding the Cases which
would have long delay'd the said
Successions. ³⁰ All which Conside-
rations together, and each of
them apart, their said Majesties
abrogate, in as far as they contradict or oppose
the Contents of this Contract, or the fulfilling
and execution of the same, and that for the Ap-
probation and Ratification of this present Agree-
ment they do abrogate the same, and hold them
as abrogated; and their Will and Meaning is,
That the most Serene Infanta, and her Off-spring
remain henceforward, and for ever excluded from
any

any Power to succeed at any time, or in any case,
to the Dominions of the Country of *Flanders*,
the County of *Burgundy* and *Charolois*, their Appurtenances and Dependencies.

In like manner also they declare most expressly, that in case the most serene Infanta happen to be a Widow (which God forbid) without Children by this Marriage, she shall be free from this Exclusion, and therefore declar'd capable of her Rights and Power

³¹ *The Infanta restor'd to her Right if a Widow without Children, in two cases: 1. If she return to Spain: 2. If she marry again for publick good.*

to succeed to all that may belong or fall to her, in two Cases only; the one, that if she be a Widow without Children by this Marriage, she return into *Spain*; and the other, if from Reasons of State, for the good of the Publick, and other just Considerations, she marry again with the Consent of the Catholick King her Father, or of the Prince her Brother; in those two cases she shall be capable of succeeding and inheriting.

Article VI.

³² THAT the most serene Infanta the Lady *Mary Theresa*, before the Celebration of the Marriage, shall by word of mouth give, promise, and authorize a Writing, by which she shall oblige her self, her Successors and Heirs, to the accomplishment and observation of all that is abovementioned, for the Exclusion of her self and her Offspring, and shall approve the whole as it is contain'd in this present Agreement, ³³ with the requisite and necessary Clauses and Oaths; and at the inserting of

³² *The Infanta is to give this Act before Marriage.*

³³ *With the necessary Clauses and Oaths.*

the

‘ the same Obligation and Ratification which her
 ‘ Highness shall give and make of the present Agree-
 ‘ ment, she shall make such another conjointly with

³⁴ *She shall make
 another immediate-
 ly after to be veri-
 fied in Parliament.*

³⁵ *The Catholick
 King shall also en-
 register the Renun-
 ciation.*

³⁶ *Proviso in case
 the King of France
 fail.*

‘ the most Christian King as soon as
 ‘ she shall be married, ³⁴ which shall
 ‘ be enregister’d in the Parliament
 ‘ of *Paris*, with other necessary
 ‘ Clauses according to the usual
 ‘ form. As also his ³⁵ Catholick
 ‘ Majesty shall approve and ratify
 ‘ the Renunciation, with other ne-
 ‘ cessary Clauses, in the usual man-
 ‘ ner and form, and cause them to
 ‘ be enregister’d in his Council of
 ‘ State; ³⁶ and whether the said Re-
 ‘ nunciations, Ratifications and Ap-
 ‘ probations be made or not, from
 ‘ hence forward, by virtue of this
 ‘ present Agreement, and of the Marriage that
 ‘ shall follow upon it, and in Consideration of all
 ‘ the things abovemention’d, they shall be held and
 ‘ accounted as well and duly made and authoriz’d,
 ‘ and as pass’d and register’d in the Parliament of
 ‘ *Paris*, by the publication of the Peace in the
 ‘ Kingdom of *France*.

*After the insertion of the Articles the Infanta goes on
 in the following terms.*

‘ And forasmuch as after the Treaty abovemention’d, our most holy Father *Alexander VII.* dispens’d with the degree of Consanguinity which is
 ‘ betwixt the said most Christian King and Me, and
 ‘ approv’d by his Authority and Apostolical Bene-
 ‘ diction our Treaty of Marriage,
 ‘ and its Articles, ³⁷ and that the
 ‘ case and time is come when the
 ‘ Marriage is to be solemniz’d and
 ‘ con-

³⁷ *According to
 the 6th Article.*

‘ contracted with the Blessing of God, and as we
 ‘ are to hope, for his Glory and Service, the Exal-
 ‘ tation of his holy Faith, and the Tranquillity of
 ‘ the Christian Commonwealth, by means of which
 ‘ the case and time is also come when I am to fulfil
 ‘ on my part (before Marriage)

‘ ³⁸ the Contents of the 5th and 6th *³⁸ She is twenty*
 ‘ Articles which are inserted in this *years of Age, and*
 ‘ Act, and that I am likewise in *Major.*

‘ Majority, of the Age of 20 years,
 ‘ and that it hath pleased the Lord to give me Ca-
 ‘ pacity and Discretion to understand and compre-
 ‘ hend the substance and effect of the said Articles,

‘ of which I had certain and
 ‘ due notice, forasmuch as I have

‘ frequently ³⁹ inform’d my self
 ‘ of them, and of their Conve-
 ‘ niency, during the time of six

*³⁹ Inform’d of
 the substance of the
 Articles 5th and
 6th.*

‘ Months since they were publish’d
 ‘ and agreed on, and that it was suffi-
 ‘ cient to give me that Satisfaction

‘ I ought to have of their Justice,
 ‘ to know that the Affair was ex-
 ‘ amin’d and agreed on by my

‘ Lord the King, who desires
 ‘ and procures my ⁴⁰ Content-

*⁴⁰ Commends her
 Father for procu-
 ring her Welfare,
 and that of his Do-
 minions.*

‘ ment and Welfare with so much
 ‘ Love and Care, having a joint

‘ regard to the publick and com-
 ‘ mon good of the Kingdoms, of

‘ which God hath given him the
 ‘ Charge, and which, as well as

‘ those of the Crown of *France*,

‘ are equally concern’d, that the Grandure and Ma-
 ‘ jesty which they bear, and have preserv’d in

‘ themselves for so many years with so much Pro-
 ‘ sperity, and that the Glory of their respective
 ‘ Names

*“ The two Crowns
ought to prevent
their being united,
for the Majesty of
their Kings which
would decay, to the
prejudice of the
Vassals and Sub-
jects, which is more
easy to be prevented
than help’d.*

*“ The necessity of
preventing the Uni-
on of the Crowns.*

*“ Marriages
will be facilitated
betwixt the Fami-
lies by the Exclu-
sion, and their Uni-
on preserv’d.*

Names of Catholick and most
Christian Kings may not be di-
minished “ nor fall, as necessari-
ly they must, if by means of this
Marriage they come to unite in
any of the Children and Descen-
dants. This would cause to their
Subjects and Vassals such Discon-
tent and Affliction as may be easi-
ly foreseen, and would be at-
tended by such Inconveniencies
and Losses, which are more easi-
ly apprehended before they hap-
pen, than help’d and redressed
when they once come to pass, and
are felt; and therefore it is a-
greed to prevent them, “ that
this Marriage may not be the
Cause of Effects contrary to those
which we promise our selves, and
are to hope for from it: Besides,
that this Precedent will facilitate
in time to come Reciprocal Mar-
riages “ betwixt my Posterity
and those of my Lord; which
Consideration affords me particu-
lar Comfort and Satisfaction, for
as much as it will be a means to
strengthen and renew from time
to time the Bond of Blood and Kindred, and will
likewise ascertain and confirm more powerfully
and effectually, the Alliance, Friendship, and good
Correspondence that hath been cemented and
contracted by such happy beginnings, betwixt those
two Kingdoms. Thus they will be continued to
the Glory of God, and the Renown of the Ca-
tholick and most Christian Kings, which being the
publick

' publick and common Good, ought in reason to
 ' be preferred to my particular
 ' ⁴⁴ Advantage, and that of my
 ' Children and Descendants, which
 ' in the present case is not to be
 ' regarded, for as much as 'tis
 ' known to be very remote. I am so much
 ' the more satisfied in the Justice of this Re-
 ' nunciation and Act, that herein
 ' ⁴⁵ I follow the Example and Au-
 ' thority of the most High, most
 ' Excellent, and most Potent Prin-
 ' cess Madam *Ann* Infanta of *Spain*,
 ' at present the most Christian Queen of *France*,
 ' and my Well-beloved and much Revered Aunt
 ' and Lady; and that besides the
 ' ⁴⁶ Considerations and publick
 ' Causes abovementioned, and that
 ' of preserving and ascertaining
 ' the Peace betwixt the two Na-
 ' tions, (which concur also, and are alledg'd in
 ' the said Treaty and Renunciation) it hath fallen in
 ' with the present Case, and hath been consider'd as
 ' the publick Cause, and the chief
 ' and greatest Cause for the ⁴⁷ Re-
 ' nunciation agreed to in my Tre-
 ' aty of Marriage, that the said
 ' Treaty is known to be the main
 ' and principal Cause of the Paci-
 ' fication of a War of 25 years
 ' duration betwixt the two Crowns
 ' of *France* and *Spain*, in which Quarrel the great-
 ' est Potentates of *Christendom* were concern'd by
 ' Alliance or Dependance: So that the Welfare of
 ' the whole, the publick Cause, and, which is the
 ' chief of all, the Catholick Religion, having suffered
 ' much by the War, and being no way to be re-
 ' medied

⁴⁴ *The publick
 Good preferable to
 hers and her Off-
 spring's.*

⁴⁵ *Her Act justifi-
 fied by that of Queen
 Ann.*

⁴⁶ *The same pub-
 lick Causes, and
 further.*

⁴⁷ *Her Renun-
 ciation the Cause
 of the Marriage.
 Nb.*

*And her Mar-
 riage the Cause of
 the Peace.*

‘ mediet but by the Peace granted by the means
 ‘ and for the sake of my Marriage, which would

‘⁴⁸ *The Catho-
 lick King would not
 have consented with-
 out the Renuncia-
 tion, as appears by
 the Treaty of Peace.*

‘ not have been granted, nor con-
 ‘ sented to by the King my ⁴⁸ Lord,
 ‘ if this Renunciation had not been
 ‘ agreed to, as was taken notice of
 ‘ in the first Article of my Con-
 ‘ tract of Marriage, and in the
 ‘ three and thirtieth Article of the

‘ Treaty of Peace betwixt the two Crowns, which
 ‘ in this Consideration refers to the particular
 ‘ Treaty made upon the Conditions of my Mar-

‘⁴⁹ *The Treaty
 relative to the Con-
 tract, both of the
 same date.*

‘ riage, and both of them were
 ‘ sign’d the same day; ⁴⁹ and in
 ‘ the said three and thirtieth Arti-
 ‘ cle of the Peace it is declar’d,
 ‘ that the said Treaty made upon

‘ the Terms of my Marriage, notwithstanding its
 ‘ being separate, should be of the same force and
 ‘ obligation with that of the Peace, as being the

‘⁵⁰ *The Marriage
 Contract the prin-
 cipal part of the
 Treaty.*

‘ principal part of it, ⁵⁰ and the
 ‘ most precious Earnest of its Firm-
 ‘ ness and Duration: Therefore
 ‘ of my own proper motion, free,
 ‘ spontaneous, and chearful Will,

‘ and having certain science and knowledg of the
 ‘ Act which I do, and what my Consent imports and
 ‘ may import, ⁵¹ I approve, con-

‘⁵¹ *She approves
 the fifth and sixth
 Articles, and gives
 Power to the two
 Kings to enact them
 again.*

‘ firm and ratify, in the best man-
 ‘ ner and form I can and ought to
 ‘ do, the said Agreement, accor-
 ‘ ding to, and in that manner as is
 ‘ more particularly contain’d in
 ‘ the said fifth Article; and in case

‘ it should be judg’d necessary and convenient, I give
 ‘ my absolute and sufficient Power to the King my
 ‘ Lord, and the most Christian King, to agree and

‘ enact

' enact the same again; tho by virtue of, and in
 ' accomplishment of the said Article, I declare
 ' and look upon my self as ex-
 ' cluded and ²² removed, and the
 ' Children and Descendants of this
 ' Marriage excluded, and absolute-
 ' ly disabled, and without limita-
 ' tion, difference, or distinction of
 ' Persons, Degrees, Sex, Time,
 ' Action and Right, to succeed to the Kingdoms,
 ' Dominions, Provinces, Lands and Lordships of
 ' the Crown of *Spain*, express'd and declar'd here-
 ' by: And I will and consent for me, and for my
 ' said Offspring, that from henceforward and for
 ' ever, they be held as granted and transfer'd to
 ' him who shall be found nearest of kin (because
 ' I and they are excluded, disabled and incapable)
 ' to the King, by whose death it becomes vacant,
 ' to the end he may hold them as lawful and true
 ' Successor, in the same manner as if I and my
 ' Descendants were not born, nor
 ' ²³ had a being in the World, be-
 ' cause we ought to be held and
 ' reputed as such, and that neither
 ' they nor I are to be consider'd
 ' in any manner as Representatives
 ' or Descendants of the Lineage,
 ' Blood or Dignity of the King my Lord, or of
 ' the glorious Kings his Predecessors, nor in any
 ' other way so as to enter into the Succession, or
 ' preoccupy the degree of Proximity, in Exclusion
 ' of the Person who shall be found next in degree
 ' as abovesaid to the King reigning immediately
 ' before the Line fails. And I promise and oblige
 ' my self on my Royal Word and Faith, that in
 ' every thing which shall depend on me, and on
 ' my said Children and Off-spring, we shall always
 ' and

²² Declares her
 self and her Issue
 excluded, Nb. and
 transfers her Right
 to the King's next
 Heir.

²³ She and her
 Heirs have no more
 Right to the Suc-
 cession, than as if
 they were not in
 being.

‘ and at all times take care that this Article, and
 ‘ the Act which I make for its Approbation and
 ‘ Confirmation be inviolably observ’d and accom-
 ‘ plish’d, without allowing or consenting that any
 ‘ thing be done contrary thereto directly or indi-
 ‘ rectly, in whole or in part. And

‘³³ *Shall never
 revoke what she has
 done, and renounces
 all Pleas to the
 Crown.*

‘ I³⁴ renounce and quit all Reme-
 ‘ dies at Law, known or unknown,
 ‘ ordinary or extraordinary, that
 ‘ belong or appertain by common
 ‘ Right or special Privilege to me

‘ or my said Children and Descendants, to revoke,
 ‘ say or alledg any thing against what is done, as
 ‘ above; and I renounce all Claims, and particular-
 ‘ ly that of having Restitution *in integrum*, founded
 ‘ upon Ignorance, Inadvertency of Youth, evident
 ‘ Injury, enormous or most enormous, that may be
 ‘ alledg’d to be in the said Renunciation, or quit-
 ‘ ting of my Right, to succeed at any time to so
 ‘ many and such great Kingdoms, Dominions and
 ‘ Lordships; and ’tis my Will that none of the
 ‘ said Pleas, nor any other of what Name, Cha-
 ‘ racter, Importance and Quality soever, be of any
 ‘ use to us judicially or extrajudicially; and that if
 ‘ we demand them, or attempt to sue them by

‘³⁵ *And all re-
 course to Justice or
 Violence, as having
 no Right.*

‘ way of Law and Justice, ’ that
 ‘ we be denied and excluded from
 ‘ all sort of hearing; and if by
 ‘ way of Violence, or any other
 ‘ ill founded Pretext, in distrust
 ‘ of Justice (because we ought always to own and
 ‘ confess, that we have no Right to succeed to any
 ‘ of the said Kingdoms) we offer to seize them by
 ‘ force of Arms, by making or moving an offensive
 ‘ War, that from thenceforward and for ever it be
 ‘ held, judg’d, and declar’d as an unlawful, unjust,
 ‘ ill-grounded, violent, tyrannical Invasion, and
 ‘ Usur-

' Usurpation against all Reason and Conscience,
 ' and that on the contrary, that War which shall
 ' be made or mov'd by him who ought to succeed in
 ' Exclusion of Me and my said Offspring and De-
 ' scendants, be held for just and lawful; and that
 ' the Subjects and Inhabitants ought to receive and
 ' obey, swear Homage, Fealty and Obedience to
 ' him as to their King and lawful Sovereign: And
 ' I affirm and certify, that to authorize this Act,
 ' I have not been induc'd, ⁵⁶ in-
 ' clin'd, or perswaded by the Re-
 ' spect and Veneration which I
 ' owe and have for the King my
 ' Lord, as a Prince so puissant,
 ' and as a Father who loves me,
 ' and whom I love so much, and who keeps and
 ' hath kept me under his Paternal Power, because
 ' in truth all that passes and hath pass'd in respect
 ' of the Conclusion and Effect of this Marriage
 ' concerning the said Agreement, and Article of
 ' the Exclusion of my self and of my Descendants,
 ' I have had all the Liberty which I could wish for
 ' to say and declare my Will, with-
 ' out being put in fear ⁵⁷, or threat-
 ' ned by him or any other Person,
 ' to induce or move me to do any
 ' thing contrary to my Inclination.
 ' And for the greater Validity and
 ' Certainty of that which is said and promised on
 ' my part, I swear solemnly by the Gospels con-
 ' tain'd in this Missal (upon which I lay my Right-
 ' hand) that I will observe, maintain, and accom-
 ' plish it in whole and in part, and
 ' that I shall not demand ⁵⁸ any
 ' Dispensation of my Oath from
 ' our most holy Father, nor from
 ' the holy Apostolical Chair, Legat,

⁵⁶ *She is not in-
 duc'd hereunto by
 respect to her Fa-
 ther.*

⁵⁷ *She had all
 manner of Liberty,
 and was not induc'd
 to it by fear.*

⁵⁸ *She will not
 demand any Dispen-
 sation, and tho' gran-
 ted, makes an Oath
 to the contrary.*

' or any other Dignity, that hath Power to grant
 ' it me; and that if the same should be granted
 ' me at my own Instance, or at that of any Uni-
 ' versity or particular Person, or *Motu proprio*,
 ' tho it should be no more but to go to Trial,
 ' without touching on the substance of the said
 ' Claims, and on the virtue and force of this Act
 ' and Treaty, which I do hereby approve, I shall
 ' not make use of, nor serve my self with it. On
 ' the contrary, in case I should have the Authority
 ' granted me, I take my Oath a second time against
 ' all Dispensations that shall be granted me; and
 ' by the same Oath I say and promise, that I nei-
 ' ther make nor shall make any Protestation or Re-
 ' vocation in publick or in secret, that may hinder
 ' or diminish the force of the Contents of this
 ' Act; and if I do (tho it should be under
 ' Oath) it shall be of no Validity, Force nor Effect.
 ' And I pray his Holiness, that since this Marriage
 ' and Treaty hath been concluded and agreed
 ' upon with his Holy and Apostolical Approbation,

" The Pope call'd
 to be Guarantee of
 the Oath.

" She promises
 to fulfil the sixth
 Article.

' and is to be effected and solem-
 ' niz'd with his Blessing, " that
 ' he would be pleas'd to add to
 ' the Force, binding Power, and
 ' Religion of my Oath, by the Au-
 ' thority of his Apostolical Confir-
 ' mation; and I promise and ob-
 ' lige my self, that in Conformity
 ' unto, and in Accomplishment of
 ' the " sixth Article abovemention'd, as soon as I shall arrive at
 ' the place where the most Chri-
 ' stian King shall receive me, I will
 ' make and cause to be made by his Intervention
 ' and Authority, and jointly with his most Chri-
 ' stian Majesty, and with all the Clauses, Oaths and
 ' Con-

Con-

‘ Conditions necessary and convenient, such another
 ‘ Act of Confirmation and Ratification as that
 ‘ which hath been made, and expedited in this City
 ‘ of *Fontarabie*, where the Catholick King my Lord
 ‘ now keeps his Court and Palace, this second day
 ‘ of *June* 1660. in presence of the King our
 ‘ Master.

‘ And for the greater Solemnity, Authority and
 ‘ Validity of this Act, his Catholick Majesty hath
 ‘ said for the Accomplishment of the fifth and sixth
 ‘ Articles therein inserted, That as to what relates
 ‘ to the common Cause, and the common Welfare
 ‘ of his Kingdoms, Subjects and

‘ Vassals, he confirms and hath
 ‘ confirm’d this Act, ‘ according
 ‘ as it is expedited by the most Se-
 ‘ rene Infanta Madam *Mary The-*
 ‘ rese, the betrothed and future

‘ *The Catholick
 King accepts the
 Renunciation.*

‘ Queen of *France*, his most dear and well-beloved
 ‘ Daughter, and that of his own proper Motion,
 ‘ certain Science, full and absolute Power, and as
 ‘ King and Lord, who owns no Superior in Tem-
 ‘ porals, he supplies and wills that

‘ they be held as supplied ‘ by
 ‘ his Royal Authority, whatever
 ‘ defects or omissions of Fact or

‘ *Supplies all De-
 fects as Sovereign.*

‘ Right, of Substance or Quality, of Stile or
 ‘ Custom, may be found in the said Act; and he con-
 ‘ firms and approves, specially and particularly the
 ‘ said fifth Article, and what is agreed and resolv’d
 ‘ therein, betwixt his Catholick Majesty and the most
 ‘ Christian King; and he wills and commands that
 ‘ it have the force and vigor of a Law and Prag-
 ‘ matic Sanction, and that as such it be receiv’d,
 ‘ kept, observ’d and executed, in all his Kingdoms,
 ‘ Dominions and Lordships, without any regard to

' or any other Dignity, that hath Power to grant
 ' it me; and that if the same should be granted
 ' me at my own Instance, or at that of any Uni-
 ' versity or particular Person, or *Motu proprio*,
 ' tho it should be no more but to go to Trial,
 ' without touching on the substance of the said
 ' Claims, and on the virtue and force of this Act
 ' and Treaty, which I do hereby approve, I shall
 ' not make use of, nor serve my self with it. On
 ' the contrary, in case I should have the Authority
 ' granted me, I take my Oath a second time against
 ' all Dispensations that shall be granted me; and
 ' by the same Oath I say and promise, that I nei-
 ' ther make nor shall make any Protestation or Re-
 ' vocation in publick or in secret, that may hinder
 ' or diminish the force of the Contents of this
 ' Act; and if I do (tho it should be under
 ' Oath) it shall be of no Validity, Force nor Effect.
 ' And I pray his Holiness, that since this Marriage
 ' and Treaty hath been concluded and agreed
 ' upon with his Holy and Apostolical Approbation,

' and is to be effected and solem-
 ' niz'd with his Blessing, ' that
 ' he would be pleas'd to add to
 ' the Force, binding Power, and
 ' Religion of my Oath, by the Au-
 ' thority of his Apostolical Confir-
 ' mation; and I promise and ob-
 ' lige my self, that in Conformity
 ' unto, and in Accomplishment of
 ' the ' sixth Article abovemention'd, as soon as I shall arrive at
 ' the place where the most Chri-
 ' stian King shall receive me, I will
 ' make and cause to be made by his Intervention
 ' and Authority, and jointly with his most Chri-
 ' stian Majesty, and with all the Clauses, Oaths and

' The Pope call'd
 to be Guarantee of
 the Oath.

' She promises
 to fulfil the sixth
 Article.

' Con-

‘ Conditions necessary and convenient, such another
 ‘ Act of Confirmation and Ratification as that
 ‘ which hath been made, and expedited in this City
 ‘ of *Fontarabie*, where the Catholick King my Lord
 ‘ now keeps his Court and Palace, this second day
 ‘ of *June* 1660. in presence of the King our
 ‘ Master.

‘ And for the greater Solemnity, Authority and
 ‘ Validity of this Act, his Catholick Majesty hath
 ‘ said for the Accomplishment of the fifth and sixth
 ‘ Articles therein inserted, That as to what relates
 ‘ to the common Cause, and the common Welfare
 ‘ of his Kingdoms, Subjects and
 ‘ Vassals, he confirms and hath
 ‘ confirm’d this Act, ⁶¹ according
 ‘ as it is expedited by the most Se-
 ‘ rene Infanta Madam *Mary The-*
 ‘ *rese*, the betrothed and future

⁶¹ *The Catholick
 King accepts the
 Renunciation.*

‘ Queen of *France*, his most dear and well-beloved
 ‘ Daughter, and that of his own proper Motion,
 ‘ certain Science, full and absolute Power, and as
 ‘ King and Lord, who owns no Superior in Tem-
 ‘ porals, he supplies and wills that
 ‘ they be held as supplied ⁶² by
 ‘ his Royal Authority, whatever
 ‘ defects or omissions of Fact or
 ‘ Right, of Substance or Quality, of Stile or
 ‘ Custom, may be found in the said Act; and he con-
 ‘ firms and approves, specially and particularly the
 ‘ said fifth Article, and what is agreed and resolv’d
 ‘ therein, betwixt his Catholick Majesty and the most
 ‘ Christian King; and he wills and commands that
 ‘ it have the force and vigor of a Law and Prag-
 ‘ matic Sanction, and that as such it be receiv’d,
 ‘ kept, observ’d and executed, in all his Kingdoms,
 ‘ Dominions and Lordships, without any regard to

⁶² *Supplies all De-
 fects as Sovereign.*

⁶³ Abrogates all
Law to the contra-
ry.

the Laws, Ordinances or Customs
to the contrary ⁶³, from which it
derogates; and his Will is, that
for this time they be held as ab-
rogated and made void, tho they
be of such sort and quality, as that for their De-
rogation there should be requisite and necessary
other more exprefs and special mention: And
he hath commanded that it be sealed with his
Royal Seal, and enregister'd and
published ⁶⁴ in his Council of
State, and others to which it may
belong. Of all which were called
and required to be Witnesses,

Witnesses.

Don Louis Mendes de Haro, Count
Duke Olivares, Don Ramire Nu-
nez de Guzman, Duc de Medina de las Torres, Don
Gaspor de Haro, Marquiss de Eliche, Don Juan Do-
mingo de Guzman, Count de Monterey, Don Diego
d'Aragon, Duke de Terranova, Don Gillen Ramon
de Moncada, Marquiss de Aytona, Don Petro Por-
tocarero, Count de Medellin, Don Pedro Colon de
Portugal, Duke de Veraguas, Don Antonio de Pe-
ralta, Hurtado de Mendoza, Marquiss de Mondejar,
Don Alonco Peres de Guzman Patriarch of the
Indies, Don Alonco Perez de Vivero, Count de Fu-
ensaldagne, Counsellor of State, Don Juan de Ca-
ravajal and Sandi, one of his Majesty's Coun-
cil and Chamber, Don Diego de Jესada Bishop of
Pampeluna, and several other Lords, Knights and
Domesticks of his Majesty, who were present
Signed,

I the King. I Mary Therese.

I don't believe any thing stronger or more express could be added, to overturn all the frivolous Pleas which *France* hath made use of against such a Solemn and such an Authentick Act. 'Twas the Catholick and most Christian King that stipulated betwixt themselves the Exclusion of the Infanta and her Descendants, by Covenant and Agreement founded upon the publick Welfare of *Christendom* in general, and of their own respective Crowns in particular: The Infanta approves and confirms this Agreement from the same Motives, and by an Act which proves that there was no Collusion in the matter betwixt the Father and the Daughter. The Consummation of the Marriage, and the Publication of the Peace ought to compleat all the Solemnities stipulated, to give to the Agreement and Act the force of a stable and firm Law for ever betwixt the two Crowns; and the intervening Oaths of the two Kings and the Infanta impress it with the stamp of the Divine Majesty, whom they appeal'd to as Guarantee of the Execution.

But now there's neither Covenant nor Renunciation regarded, *France* is advanc'd too high to think her self bound by Treaties and Oaths: an Explication imputed to the late King of *Spain* in a counterfeit Will, and the enrolling of the same in a flying Sheet, which a *French*-man under the disguise of a *Spaniard* hath lately published, suffice, now that she is in possession, to cover the Injustice and Enormity of her Breach of Treaties and Perjury. The fundamental Cause of excluding the two Queens, ought to have been the avoiding of the Prejudice that might happen by the Conjunction of the two Crowns. The admission of the D. of *Anjou* obviates that Prejudice; therefore since the Cause ceases, the Effect must also cease. After

this manner argües this flying Scrole to impose upon weak and ignorant People. We might, as a sufficient Answer, refer him to the bare reading of the Act which I have just now exhibited. But since he speaks in the Name of *France*, and that his Sheet may perhaps be the forerunner of a Manifesto, I think my self oblig'd to add some further Remarks, to obviate the Influence of that Imposture.

We don't deny but the prejudice of uniting the two Crowns is one of the principal Motives of the Exclusion; but there are others which are no less Sovereign and Essential, as may be seen by Notes 11, 12, 13, 14, 15, and 16. on the Margin of the *Infanta's* Renunciation: but this Motive, and those that precede it, suppose a fundamental Cause, which is *Equality*. This is what is signify'd by those words of the 5th Article. Therefore considering the Quality of the abovementioned, and other just Reasons (amongst which that of the Prejudice in question was refer'd to) but especially that of the *Equality which ought to be preserv'd, their Majesties Agree and Enact by Contract and Agreement betwixt themselves, that, &c.* There's almost the same Terms in the 5th Article of *Q. Ann's* Contract; and among the publick Reasons which shew and persuade the *Equality, and the Conveniencies of the Marriage*, there is not one word of this Prejudice: it cannot be understood, but as included amongst the other just and lawful Causes.

'Twas the Equality that ought to have constituted the Justice and the Necessity of the Exclusion; all the Reasons given in the two Contracts, are brought only to lay the foundation of that Equality. It consists in this, that the Advantage should be equal and reciprocal in the Contracts that are made betwixt Princes that are equal, for their com-

mon Advantage. But this is matter of Fact, that without the condition of Excluding the two Queens, there would have been no Advantage but only for *France*, and there must have been loss to *Spain*, because the Daughters of *France* being excluded from the Crown, and all paternal Estate, by virtue of a Custom which has the Force of a Law, the Catholick Kings could never have expected one Inch of Land in *France* for them, nor for their Offspring, from a Daughter that should become Heiress: whereas the Daughters of *Spain* being capable of succeeding to the Crown of *Castile* by the municipal Law, they would have always been in fear that that Kingdom, and all the rest by way of Accession, should devolve upon the House of *Bourbon*, in prejudice of the House of *Austria*, and of the Lustre of their Crown; a disparity which is contrary to the foundation of that Equality *, since *France* cannot impose upon *Spain* a Law which she condemns at home. Nor, to speak in the words of the Gospel, can she measure to another, but with the same measure that she metes to her self.

It was then but equal, that if all the Offspring of the Daughters of *France* married in *Spain*, be generally excluded from all their paternal Estate, that the Issue of the Daughters of *Spain* married in *France*, should be also excluded in the same manner; and also that if the Exclusion of the Daughters of *France*, which hath for its view the preserving of the Crown in the Royal Family, and is only founded upon the Authority of a mere Custom, is held unviolable, that that of the Daughters of *Spain*, which is set-

* *Equitas in paribus causis paria Jura desiderat. Cap. cum dilecta, de Confr. Utili.*

tled with the same View, by two such solemn Covenants, and without which the Marriages would never have been, should be likewise held Sacred, and with this further Consideration, that the common Welfare of Christendom, and of the two Crowns, were the foundation of it.

'Twas upon this Principle, and with the same design, that the Catholick and most Christian Kings, did not satisfy themselves to exclude in both Agreements all the Offspring of the two Queens in general, but that they also excluded the Youngest, as well as the Eldest, *in infinitum*, and abrogated all Rights, Laws, Customs, and dispositions of Titles, by which they could pretend to the Succession, and even prevented it in the Case of Extinction of the Offspring of the late King, the motive of the Explication which they impute to him, as is clearly to be seen in these terms. *Even tho they should say or pretend, that as to their personal Right no Consideration ought to be had, neither of the said Reasons of publick Conveniency, nor of any other upon which the said Exclusion might be founded: and tho they should alledge that the Succession of the Catholick King or of his Sons and Daughters, and moreover, the Males which he hath, or may have, for lawful Successors, should fail and cease, because, as has been said, in no case, nor time, nor in any manner whatever, neither she, nor they, their Heirs and Descendants, have any Right to succeed, nor to pretend to succeed, &c.* For why all those derogatory Clauses, if not to make way for the Catholick Kings next Heir, considered in the Offspring of his younger Sisters, the two Queens who were design'd for Princes of the Family?

If the Catholick Kings had nothing else in view, but to avoid the prejudice of Uniting the two Crowns, they might have specified the Case of the
admis-

admission of the Younger, in conformity to the Explication, as well as they have derogated from it; and they should not have renew'd and confirm'd the Covenants and Renunciations with all the power of Royal Majesty in their Wills, as appears by the 38th Article of that of *Philip III.* and by the 17th Article of that of *Philip IV.* which I shall here exhibit. The D. of *Orleance*, youngest Son to Queen *Ann*, was born when *Philip IV.* made his Will; and if he would not substitute him, because he would do no prejudice to the future Children of the Queen his Daughter, why did he not substitute her younger Issue, according to the Order of their Birth? Neither he nor the King her Father have done it: On the contrary, they have confirm'd their Exclusion, and died upon it: whence it follows, that they could not do otherwise in Execution of the Covenants. In short, what is the meaning of those words of the *Infanta*, in her Act of Renunciation, *Note 52.* by which she Wills and Consents for her self, and for her Descendants, that her, and their Right to succeed, should be held as yielded and transfer'd to him who should be found next in degree to the King, by whose Death the Throne should come to be Vacant? And in like manner what else is the meaning of all the other following Clauses after the said Note, but to take away all pretext from her Issue, to dispute the Succession of that Heir?

The Law then being founded upon several concurring Causes, by what new Code will *France* prove to us, that it loses its force by the ceasing of one Cause only? * Are we allowed to distinguish where the Law does not, and to make use of the

* Rubr, in l. 10, de pretio F. de public. in rem. asti.

terms † of the Law, to act directly against its meaning? If it be the *Code Louis*, all Antient and Modern Law condemns it ‖. Honesty and keeping Faith ought to be observ'd in Contracts. It was in the Power of *France* to have entred into that mutual Covenant or not; and having * once entred into the same for publick Conveniency, she has no more Right to depart from it †. The Condition ought to be accomplish'd in its Form and Tenour.

But it's a mere illusion to advance, that the prejudice of the uniting the two Crowns ceases by the admission of the D. of *Anjou*. The House of *Bourbon* of the late Queen's Offspring, may it not be reduc'd to one single Person, as happened with the three Sons of *Philip the Fair*, and the four of *Hen. II*? And if that happen to be the Case, what Caution or Surety can *France* give at present, either to *Spain*, which is already under her Dependance, or to all Christendom, whose Repose is so much concern'd in it, that she will suffer that Crown, and the great Dominions thereunto belonging to go out of her Hands? The Explication imputed to the late K. of *Spain* in a forged Will, must that be more inviolable than such a solemn Covenant, and the Wills of the Kings his Father and Grandfather, made in Consequence of that Covenant? And if she could infringe the former, and treat the latter as inhuman and impious, in order to have a pretext for an Invasion; what is it she is not capable of do-

† Reg. Jur. Can. 88.

‖ Lib. 4. de action. & obligation.

* Contractus sunt ab initio Voluntatis ex post facto Necessitatis. ex l. 5. sicut initio c. de action.

† Ex l. 49. qui hæredi F. de Condit. & demonstr.

ing against such a frivolous Explanation of her own Invention, when the Business comes to be the maintaining of her own Possession?

That the two Kings in laying down this Equality, as the foundation of the Covenant in the 5th Article, did not enlarge upon all the Reasons that persuaded them to it, we are not to wonder. They were then to bury the Memory of former Quarrels, and to beget a Reconciliation by a Treaty of Alliance. Decency, and mutual Respect, would not allow a further Explication: *The other just Considerations*, and the *Equality which was to be preserv'd*, was enough to explain the meaning of it. *Spain* had at all times testified an invincible Aversion against the Domination of *France*, as appear'd by the Exclusion of *Blanche* of *Castile* Mother to *K. St. Louis*, by that of *Violante* of *Aragon* married to *Louis* Duke of *Anjou*, and particularly by that of *Jeanne* eldest Sister to *Violante*, tho she had not renounc'd, and that *Matthew* Count *de Foix* her Husband was not of the Royal Family of *France*, but only a *Frenchman*. *France* afterwards testify'd the same Aversion to be under the Government of *Spain*, in excluding the Infanta *Isabella*, Daughter to *Philip* II. The Incompatibility which had for several Ages been betwixt the two Nations, and which was become irreconcilable by the long Wars betwixt them, from the Reigns of *Ferdinand* the Catholick, and *Louis* XII. would not allow that a *French* Prince should reign in *Spain*, nor that a *Spanish* Prince should reign in *France*. Two rival Nations, who at that time disputed the Superiority, would never have endur'd the least Dependence upon one another.

This Incompatibility betwixt the two Nations appear'd at the time that the *Moors* entred *Spain*, when the Remains of the *Goths* sav'd themselves in the
straits

straits of the Mountains, and sought for a Sanctuary there against the barbarity of those Infidels *. The *French* were so far from assisting them as Neighbours, that they attack'd them there, and compleated their Destruction by another Barbarity which that unfortunate People might have avoided, by surrendering themselves to their Enemies. 'Twas from a just Resentment of this Cruelty, that when *Alphonfus* the *Chaste* had no Children, and would have settled the Succession on the Emperor *Charlemain*, on condition that he should deliver *Spain* from the Oppression of the *Moors*, the *Grande*es of the Kingdom not only would never consent to it, but oblig'd him to retract his Donation, † saying, that they had rather die Freemen than live under the slavery of the *French*. This proceeded so far, that having assembled themselves from their Mountains with K. *Alfonfus* at their head, they waylaid that Emperor's Army in the Passes, and defeated his Vanguard. That same Incompatibility appear'd reciprocally in the *French*, by the Aversion they testify'd afterwards to admit Queen *Blanche* to the Regency, during the Minority of the King *St. Louis* her Son, merely because she was a *Spaniard*, as their own Historians say. And 'twas the same thing that occasion'd all the Traverses the late *Q. Ann* met with in her Regency, during the present King of *France's* Mi-

* Non solummodo in Securationibus Barbarorum, verum etiam a Francorum Armis ex parte Galliarum consumpti sunt. Lud. Tudenfis Æra 748. Saavedra Hist. Goth. Cap. 30. N°. 79.

† Malebant enim Mori liberè quam in Francorum degere Servitute. Roderic. Archiep. de Rep. Hisp. Lib. 4. Cap. 10. (ou) ne Voulant iceux être vassaux d'aucun prince Etranger. Mayern Turquet Hist. d'Espagne, Tom. 1. Liv. 6.

nority: For tho her Conduct tended altogether to the Welfare of the State, as did that of *Q. Blanche*, there was always enough of that national Hatred to render her odious and suspected.

This hereditary Hatred hath ever been more discovered by the *French* than by the *Spaniards*: for *France* hath at all times so much abhor'd the Name and Domination of *Spain*, that when the Question hath been about doing Justice to the Catholick Kings upon well grounded Pretensions, they could never be induc'd to do it. The Infanta *Isabella* had a particular Right to *Britanny*, deriv'd from the Queen *Elizabeth* her Mother, who was the last of the Royal Family of *Valois*, to whom that Dutchy fell by Marriage. This Queen by renouncing in general her paternal Successions in favour of her Family, had not specified the Collaterals. Thus it being stipulated at the 2^d Marriage of *Ann* Daughter and Heiress of the last Duke, with *K. Louis XII.* that that Dutchy should be disunited from the Crown, in favour of a second Son; and the Daughters having a Right to succeed thereunto, according to the municipal Law, the Pretension of the Infanta, as descended of the last Duke, could not be more just nor express after the Extinction of all the Males of the Branch: Nevertheless, when *Philip II.* her Father propos'd her to the States General of *France*, they would by no means allow it, for fear that that Dutchy should sometime or other fall to the Crown of *Spain* by means of the Infanta.

The same Aversion appear'd yet more visibly in the Representation made by *Philip II.* of the Infanta's Right to the Crown of *France*, at the Meeting of the same Estates, as I related in the former part of this Treatise: For tho he offer'd to yield them the *Netherlands* in case the Infanta, when declared Queen, should be allow'd to marry the Arch-Duke
Ernest,

Ernest, * they would never hear of it, but excus'd themselves thus, That the *French* would never agree to take a King of another Language and Nation than their own. This was the Answer of the States, and the Sentence pronounc'd in consequence of it in the Parliament of *Paris*: upon which 'tis proper to remark, that the Business was not about uniting the Crown of *France* to that of *Spain*, but on the contrary, to keep it separate under one King, who tho of the House of *Austria*, was not a *Spaniard*; that the Admission of the Arch-Duke would have augmented the Kingdom, by the Addition of so many great and large Provinces, that lay conveniently for them; and that the K. of *Navarre*, who was of the Family of *France*, was declar'd to have forfeited his Right for the Reasons mentioned in the same place. But this is not all: for when the Catholic King had yielded so far, as to agree that the *Infanta* being declar'd Queen, might marry the D. of *Guise*, who was a *French* Prince of the Blood Royal, and had no kindred with *Spain* that could be suspected; they testify'd the same Aversion, upon the mere Umbrage of the dependance which that Duke would have upon *Spain*; and for fear, said they, that it should seem as if the chief Kingdom of the World stood in need of the Protection of *Spain*, which would be equally odious and prejudicial to the Dignity and Preheminence of their Crown. It is in those terms that their Historian † *Thuanus* says, the

* Ordines se excusant ob stare Regni Leges, & Franco-Galloorum Mores, qui in Regem alterius Nationis ac Linguae quam suae nunquam sint Consensuri. Aug. Thuanus Lib. 106.

† Thuanus Lib. 107. Spond post Baron. ad An. 1593. N. 17. Denique a perpetua Galliae totius Ecclesiae, Nobilissimi, a Romae Capite, Membri separatione quam certum esset inituros potius ultimo Gallos, quam Jugum Hispaniorum subituros,

Act made in the Parliament of *Paris*, in conformity to the Answer of the States, and the Apology of the D. de *Mayenne*, justify'd this Refusal. But that which is still more unworthy and scandalous is, that the same Historians observe, that on this Occasion, the Bishops who were with the K. of *Navarre*, to solicit his Abjuration of the Protestant Religion, protested publicly, that *France* would sooner separate her self from the Obedience of the Church of *Rome*, than consent to any dependance on *Spain*; and 'twas in conformity to this that the President de *Thou* adds, That those of the Catholick League took it as an intolerable Affront, when they were reproach'd with having degenerated from *Frenchmen* into *Spaniards* *. Thus all the Acknowledgment paid by the Catholick part of *France* to *Philip II.* for having maintain'd their Religion by his Assistance, to the exhausting of his Treasury, and post-poning the most essential Interests of his Crown, was their excluding his Daughter from the Crown of *France*, tho he offer'd them most advantageous Conditions, their upbraiding it as a shameful Cowardice in those that thought themselves under a Necessity of imploring his Assistance for that pious Design, and their publicly branding their League with him, as an † avowed Conspiracy against the State, unworthy of the Name of a *Frenchman*, and of the Preheminence of the Kingdom of *France*.

Had there been nothing else but this last Consideration to oblige the two *Philips*, namely the Son, and the Grandson of *Philip* the Second, to take the mentioned precautions in excluding the House of *France*

* Namquid Gravius hodie hostis habet, quod fœderatis exprobrat, quam quod ex Francis in Hispanos degeneravimus? Thuan. Lib. 107.

† Ibid. Lib. 90.

from the Crown, it were sufficient to evince the Justice and Necessity of it, upon the Principle of Equality. But that was not all; they were justly apprehensive in the admission of younger Sons, of the pernicious Maxims of *France*, which tend to entitle their Crown to all the Countries that have once been possess'd by their Kings, or the Princes of the Royal Family. Such, for Instance, is the Title they claim to the principal Provinces of *Germany*, and to the *Empire* it self, upon the score of *Charlemain*: For tho the Extraction of the Royal Family is quite different from that of *Charlemain*, yet the *French* think their Title sufficiently made good, by alledging, that he possess'd the Empire, and those Provinces, not as Emperor, but as King of *France*. And in this Reign they have only drop'd the like Claim to the Kingdom of *Austrasia*, for fear of provoking the whole Empire, which had taken the Alarm upon the publication of the former.

This Right of *Re-union*, so much talk'd of in the History of *France*, and so fatal to all the adjacent States, could not but employ the most serious thoughts of the Catholick Kings, when they marry'd their Daughters to *France*. There was a Necessity of removing all sorts of Fewel from this devouring Fire, that consum'd all about it. *Circe's* Rod exerted its transforming Power by a simple touch; and the only way of preventing the influence of the Charm, was by cutting off all occasions of being touch'd by it. All the Dominions bordering upon *France* were touch'd by this magical Rod, and transform'd into the proper Demain of the Crown: their antient Laws, Customs, and Privileges were abolish'd, and their antient form of Government was quite taken away. Such had been the fate of *Lorrain* in the two last Reigns, if all the neighbouring States had not been interested in its Preservation:

on. And were it not for the same Reason, even *Spain* and the *Low Countries* being contiguous to *France*, had been in no better condition. Besides, the Catholick Kings had reason to be afraid of that inexhaustible Source of Litigious Pleas, which under the Name of Pretensions, make way for this *Right of Reunion*, or rather, this rule of *Conveniency*. All Ages furnish us with a continued chain of such Pleas, namely the Confessed or Superannuated Rights of Succession, forc'd Cessions, extorted Wills, or, in fine, the pretended Right of a Crown to all that lies conveniently for it, tho at the same time that Right was never made out. These are to be met with every where in their Writings, publish'd by Authority, and perus'd by every body; in so much that we may look upon these as so many Manifesto's against the States therein named, as soon as *France* shall have an opportunity to back its Pretensions by open Force.

But, setting aside the necessity of preventing all occasions of wrangling on the *French* side, by a provisional Treaty between the two Kings; the Allegations of the *French* Court publish'd in their Manifesto in the Year 1667. to justify the most Unwarrantable Invasion, and shake the Validity of that Treaty; are sufficient Arguments for its Justice. To which if we add the Treaty of *Partition*, and the Intrusion of the *Duke of Anjou*; all *Europe* must needs be convinc'd, that *Philip IV.* neither could nor ought to have consented to the Marriage of his Daughter without that Contract, which according to all divine and humane Laws, ought to annul all their pretensions to the Crown of *Spain*.

That Prince, being vers'd by a long experience in all the Artifices of *France*, was bound to prevent 'em by the Authority of a Treaty, as the *King* his Father did before him. By so doing, he did not

injure the Queen his Daughter, since by his care he procur'd her a Crown equivalent to his own; and besides, made provision for restoring her to her right of Succession, in case she became a Widow without Children of that Marriage, and return'd to *Spain*. Neither was there any injury done to the *French* Princes, since they were to be provided for by the King their Father in the order of his Succession; and that their said Father in treating and stipulating with his Catholick Majesty on their behalf, thought fit, for the Publick good, and the Interest of his own Crown, to exclude them from all right of Succession to the Crown of *Spain*. They were Foreigners in regard to *Spain*, as the *Infanta's* of *Spain* are in regard to *France*. Now the Laws of both Kingdoms prohibit the Admission of Strangers, above all, among the Princes of both Houses; so that an Equality was to be observ'd in the Reciprocal Successions, as the foundation of the Treaty.

This quality of being a Foreigner is suppos'd in this Treaty: for tho it is not express'd there, yet 'tis plain that in the fifth Article of Queen *Ann's* Treaty of Marriage, 'tis that Quality alone that cuts 'em off from Succession, both for the Present and for the Future. Now the word *Foreigner* implies an *Enemy*; for in the Law of the 12 Tables (a) these two terms are synonymous, and of this *Spain* had more than sufficient proof in its firmest Alliances with the Crown of *France*, witness the Reigns of the three last Catholick Kings, which present us with fatal Instances to that purpose. In the sense of the Scriptures, a Domestick Wife did not free her Husband from being excluded as a Foreigner from the Sovereignty; and in like manner the marrying of the

(a) Hostis apud majores nostros dicebatur, quem nos peregrinum dicimus; indicant enim 12 Tab. adversus hostem aeterna auctoritas esto. Cic. I. Offic.

Infanta's of Spain could not save the *French Kings* their Husbands from being excluded as Foreigners, and the sworn Enemies of their Family. So that we may justly apply to these Marriages, what *Daniel* dream'd, with reference to *Nebuchadnezzar's* Statue; namely, that these Marriages might perhaps reconcile the two Crowns and their People for a time; but as Iron cannot unite with Clay, as being of a contrary Nature, so 'tis impossible that this conjugal Conjunction should unite such jarring Hearts, and bring 'em to a mutual and lasting Amity.

There are several other Reflections to be made upon the Justice and Necessity of these two Contracts, which I reserve for the following Chapters. I now come to take a view of the Will of *Philip III.* and that of *Philip IV.* which are grounded on the Execution of these Treaties.

C H A P. IV.

That the Disposition made by the Wills of K. Philip III. and IV. could not be alter'd to the Prejudice of the Right of the Emperor and his Family.

THE Justice of the Conveyance made by the two Kings, cannot be better made to appear than by transmitting the Articles in which 'tis contain'd. *Philip III.* in the 38. Article of his latter Will uses these words:

' And as it has pleas'd God to give me two Daugh-

* *Art. 38. of the latter Will of Philip III.*

' ters, the Eldest of which was the Infanta *Ann* ;
 ' whom, in just consideration of the good of these
 ' Kingdoms and of *Christendom*, I marry'd to his
 ' most Christian Majesty, with a Provisional Con-
 ' tract of the following tenor (here he inserts
 ' the Fifth and Sixth Articles of the Contract ; then
 ' goes on :) And moreover, since upon the request
 ' of my Kingdoms, a Law was enacted pursuant to
 ' the abovemention'd Contract, with an insertion
 ' of the abovemention'd Articles, and of the Act
 ' granted with regard to the said Matrimonial Arti-
 ' cles by the said most Serene Infanta at *Burgos* the
 ' 16th of *October* 1615. in which she confirms, con-
 ' sents to, and approves of the whole abovementi-
 ' on'd Contract, and the Law to which it refers : I
 ' ordain and declare, that every Period of the said
 ' matrimonial Treaty, the Writing of Approbation
 ' made at *Burgos*, and the said Law, be strictly ob-
 ' serv'd ; because the Publick Good of these King-
 ' doms and of *Christendom* requires it, and for several
 ' other reasons, besides those mention'd in the Con-
 ' tract of Marriage, which I forbear to repeat,
 ' since they are so universally known. Pursuant to
 ' these Articles, the Infanta *Mary* is according to
 ' the present state my eldest Daughter, in the Cases
 ' related in the abovemention'd Contracts of Mar-
 ' riage : And I declare and ordain, that after
 ' Prince *Philip* and his Descendants, and the Princes
 ' *Charles* and *Ferdinand* and their Heirs, she and all
 ' her Lawful Posterity shall succeed to my King-
 ' doms and Lordships.

Here 'tis to be observ'd : First, That there is not
 one word spoken of the Prejudice ensuing upon the
 Union of the Two Crowns, no more than in the
 Provisional Treaty ; which is a great Argument a-
 gainst the Explication insisted on above ; since 'tis
 presum'd in Law, that *Philip* not having express'd
 any

any * such thing, he did not think of it; or if it was in his thoughts, that 'tis couch'd under *the other Reasons, besides those mention'd in the Treaty.* And this I do not call in question.

2. That the Disposition of *Philip III.* being founded on the Execution of the Contract, against which *France* never objected; and the Emperor's Right being grounded upon that Disposition which intitles the *Infanta* his Mother to the Succession, in case of the failure of his male Heirs; no posterior Disposition can derogate from it. Which is so conformable to all Laws, that it needs no further proof.

But *Philip IV.* was so far from doing any prejudice to the Emperor's Right, which he neither could nor ought to have done; that he confirms it with all the Force of his Royal Authority in the 17th Article of his latter Will; where after he has repeated the 5th and 6th Articles of his Daughter the Queen of *France's* Contract of Marriage, he proceeds in these words.

' In pursuance of these Treaties, the *Infanta*
' Madam *Maria Theresia* my Daughter, made this
' Renunciation with a Solemn Oath at *Fontarabia*,
' June 2. 1660, which was sign'd and attested by
' *Don Ferdinand de Fonseca Ruiz de Contrera* our Secre-
' tary of State, and publick Notary of these King-
' doms. Besides, I am hopeful, that the said *In-*
' *fanta* our Daughter, and the most Christian King
' her Husband, will observe and stand to all the
' above mention'd Articles, and what is further
' contain'd in the Treaty of Marriage, and the Re-
' nunciation, as being obligations of Justice and
' Conscience. However, to the end that the Exe-
' cution of these things, upon which the Peace and

* Verbis quod quis non expressit, non videtur mente cogitasse.
Arg. Cap. 6. Extr. de Rescript.

' Repose of *Christendom* depends, may be secur'd by
 ' all the best Method of Law, in the Quality
 ' of a Father and natural Lord to all our Kingdoms,
 ' States, and Dominions, we make use of that So-
 ' vereign Authority, which we are justly invested
 ' with, to dispose and regulate things to the greatest
 ' advantage of our Vassals, and of the Publick Cause,
 ' to make provision for their better Government,
 ' and to prevent the Damages that may result from
 ' a Union of the two Crowns, and the Dominions
 ' that depend upon 'em, by our own proper free
 ' Will, and certain Knowledg, and by our Royal and
 ' Absolute Power, which we now make use of, being
 ' fully and plainly assur'd of the Example of our
 ' Predecessors, who have chang'd, dispos'd of, and
 ' alter'd the Order of Succession to our Kingdoms and
 ' States, by excluding the Elder Children and their
 ' Heirs. By reason of, and with regard to Treaties
 ' of Peace, and Marriage-contracts, and other Con-
 ' siderations Us thereunto moving, We now declare
 ' that the most Serene *Infanta Madam Maria Theresia*,
 ' our Daughter, and her Children of that Marriage
 ' whether male or female, and their Heirs, shall be,
 ' and continue to be excluded; and as far as it is
 ' needful, we now exclude 'em from all Right or
 ' Pretensions that they have or may have, in any
 ' case whatsoever, to any of our Kingdoms, States,
 ' and Dominions, for ever, as if they had never
 ' been born: Declaring, that this Exclusion, and all
 ' that has been appointed, and what we now order
 ' with regard to the *Infanta Madam Maria Theresia*
 ' our Daughter, and her Descendants by that Marri-
 ' age, whether Male or Female, is likewise to be ob-
 ' serv'd; and, as far as it is needful, we will and
 ' command that it be observ'd, accomplish'd and
 ' executed in the Person of the most Serene Queen
 ' Madam *Ann* our Sister, and her Heirs, pursuant

' to the Treaty concluded before her Marriage, and
 ' her Renunciation; and pursuant to what his Ma-
 ' jesty *Don Philip* III. our Lord and Father has
 ' enacted by his said Law, and by his abovementi-
 ' on'd Will, which are pass'd into the form of a Law,
 ' concerted and agreed to by the two Crowns: And
 ' we approve of it upon the same terms, and with
 ' the same strength, that Laws concerted by Sove-
 ' reign Princes in the Exercise of their full Power
 ' ought to have. And we revoke, annul, abro-
 ' gate, and reverse all and whatsoever Laws,
 ' Rights, Dispositions, and Customs, that might in
 ' any manner whatsoever stand in the way of this
 ' Exclusion, as if they were particularly menti-
 ' on'd. But we likewise declare, that if it should
 ' happen, which God forbid. that the most Serene
 ' *Infanta* should be left a Widow without Children
 ' of that Marriage, and return to *Spain*; or that,
 ' for the Publick Good, and other just Considerati-
 ' ons, she should marry with our Consent, or with
 ' the Consent of the Prince our Son, after our
 ' Death; We ordain, and such is our Will, that
 ' the said Exclusion and Renunciation shall not de-
 ' prive her of any Right; and that she and the Chil-
 ' dren of the Second Marriage, provided she is not
 ' married in *France*, shall be capable to succeed in
 ' the said Kingdoms and States, &c.

'Tis upon the Authority of this Article, that
France pretends to ground the Motive that occasion'd
 the Explication imputed to the late King. But if
 we take a narrower view of the Design and Terms
 of this Will, we may easily perceive that he says no
 more relating to the Prejudice resulting from the
 Union of the two Crowns, than what is contain'd
 in the *Acts* that I have produc'd. He looks upon
 the Execution of the Contents of these *Contratts*, as
 an obligation of Conscience and Justice upon the

most Christian King, and the *Infanta* his Daughter ; and as an Affair upon which the Peace and Repose of all *Christendom* depends. For his own part and that of his Successors, he secures the Execution of the Contract, by the best Methods of Law ; and then issues his Orders by virtue of the Authority with which he is invested, to promote the good and welfare of his Subjects, to make provision for their better Government, and to prevent the Damages that may insue upon the Union of the two Crowns. The two first Articles resulting from his Sovereign Authority, speak nothing else but his intention to preserve his Vassals and Subjects from subjection to a Foreign Power, and consequently to provide for their being better govern'd under their natural Kings, the Princes of his own Family. And supposing these two relative to the Third, *viz.* the Prejudice resulting from an Union of the two Crowns, we can draw no consequence from thence, but what will confirm the necessity of the former two. The Exclusion of the Queen his Daughter which he confirms, the Precedents he imitates, the latter Will of the K. his Father, which he quotes, and which shall be further examin'd in the next Chapter ; the Restoration of the Queen his Daughter in case of her Widowhood and not having Children by this Marriage ; all these have a manifest tendency to exclude the House of *France* from the Succession, and ensure it to his own Family.

France indeavours in vain to perswade the World, that the two Kings could not alter the Order of Succession ; and that the late Queen being entitled to it by a Right deriv'd from the first King, under whom it became hereditary by way of Primogeniture ; the Kings, her Father and her Grandfather, could not take it from her and her Children. These Illusions may pass in *France*, where Right is measur'd by Con-

veniency, but not elsewhere, where Right and Equity go hand in hand. To discover their vanity, we need only appeal to the first Principles of Sovereign Right and Successions: By which we shall find,

1. That pursuant to the first Institution of all Principalities, Successions are to be regulated with a principal regard to the Publick Good: for (a) Sovereignties were invented for the Conveniency of the People; and for that reason (b) the Preservation of the People must be look'd upon as a Fundamental Law, that controuls all other Laws, and binds even the Sovereign himself.

2. (c) That in Hereditary Kingdoms, the Succession that comes nearest to the natural Line, is not made necessary by the Law of Nature: and upon that account is often subject to Alterations, occasion'd by Treatys, Laws, or Custom, according to the different Causes that sway mens Wills. This is the source of all the differences of Succession. Accordingly we see, in some places the eldest Children succeed to all; in others, the Daughters are excluded *in infinitum*; in some again they are admitted to succeed, upon the failure of Males in a certain degree, and that upon certain terms, and not otherwise, &c. yet no body takes this Variety to be contrary to the pretended Law of Nature.

3. That Kings are presum'd to represent in their Persons the same Kings who made the Government hereditary; and the People that now are, represent those who consented to it. So that when these Kings and People think it proper to alter the Succession, either in whole or in part, or upon a particular case, with a view to procure or preserve the

(a) Principatus ad subditorum Utilitatem inventus est. Plat.

(b) Salus Populi suprema lex est.

(c) Hug. Grot. de jure bell. & pac. l. 2. cap. 8. num. 11.

Good of the State, or to prevent imminent Evils ; they have the same Power to reverse that Order, that those had who first set it up, and a great deal more, when the latter Resolves are back'd by the Consent of all the Parties concern'd, whether by personal Interviews, or by approving and confirming 'em after they are decreed.

4. 'Tis true that *Primogeniture* prevails now a-days almost all the World over ; but in regard 'tis only a Priority of Order, not of Dignity, the Right of Precedency is originally deriv'd from the publick Good that attends it : From which we may draw this Inference, That in Royal Successions which descend to the *First-born*, and run in the Line of Blood ; if the eldest Daughter upon marrying with a Foreign Prince renounces and disclaims her Right, on the behalf of her Country and Family, this Renunciation must needs affect all her Posterity ; by reason that the publick Good, which gave being to her Renunciation, and to which all Politick Institutions are directed, is always in being and force. 'Tis upon this score, that a Father approving of the Renunciation, may, by virtue of his Royal Authority, transfer the Right to a younger Daughter, of which we have many Instances that 'tis needless to repeat. By so doing, he neither crosses the right of Nature, nor alters the disposition of the Founder, if there was any : for 'tis always presum'd that the chief aim of the first Founder was the publick good of the Crown, Vassals and Subjects, which is inseparable from the Interest of the Family in which the Government is lodg'd. Neither does he thwart the Intention of those who first peopled the Nation, since 'tis always presum'd they will'd whatever should be most convenient for the Society. The Reason is much stronger, where all Parties concern'd agree to the *Transfer*, by a Treaty into which they all enter out of regard
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to the publick Good, as well as their own, as it happen'd in the *Contracts* we now speak of.

But if *France* will not own those Principles which are founded on the first Elements of Natural and Sovereign Rights, we shall endeavour to give 'em all manner of Satisfaction, by reducing the whole Question to two principal Heads, *viz.* Whether publick Treaties concluded between Sovereigns are obligatory upon them in all their Articles, and have the force of a Law binding their Successors, or not? And whether a Renunciation of all right of Succession made by a King's Daughter to her Father in a Contract of Marriage, in favour of her Country and his Family, which Right is accordingly dispos'd of by the Father, is valid, or not? When these two Points are set in a clear light, there can be no further Reply.

Tho in this Age *France* slights Publick Treaties, as if her good Fortune had rais'd her above all Laws, Divine or Human: Yet I am perswaded, that if we could get 'em to take a narrow view of the Consequences of such a Practice, they would quickly join with the rest of the World in owning, that the Faith of Treaties ought to be sacred and inviolable. For, besides that no Crown upon Earth ever got more by Treaties than *France* has done, time may come when she'll want 'em in order to prevent the same Evils at home, that she has brought upon her Neighbours by violating Treaties: but if she refuses to declare her sense of this matter, for fear of pronouncing Sentence against her self; it may be remonstrated to her according to all Lawyers,

1. That since Sovereigns of the highest Rank, such as the Catholick and most Christian Kings, have no dependance upon one another, there's nothing but Treaties that can oblige 'em mutually to promote the
general

general good of Human Society, and the particular good of their People: That is the only means by which they are mutually oblig'd to the Execution of what is stipulated. And if once we untie this sacred Bond of Commerce among Men, Violence and Barbarity will overrun the World; for then the longest Sword will give Laws to Mankind. Treaties being therefore the Foundation of publick Peace and Tranquillity, upon which every one relies, they not only lay an indispenfible Obligation upon Kings to observe 'em, but are equally obliging upon their Hereditary Successors, to accomplish what they contain. This Truth being grounded on natural Equity, the Divine Law, and the Laws of Nations, admits of no Contradiction.

2. Since Kingdoms and Sovereignties are not regulated by common Dispositions, Contracts between Potentates ought to be examin'd by the Law of Nations, without insisting upon any other Solemnity but the simple Will of the Parties: For Princes are not tied to the Formalities introduc'd by the Civil Law which are calculated for private Persons; by reason that their Actions, tending to a publick and universal End, are directed by the superior and sacred Influence of that Majesty, that must be sedulous and vigilant in promoting the Good of its Vassals and Subjects.

3. That according to these uncontrovertible Principles, Contracts, Treaties and Renunciations agreed upon between Sovereigns are every way valid, and continue in their full vigor, as equally obliging upon their Hereditary Successors, without giving way to any Circumstance drawn from a Right of Blood, or any Claim to the Succession that may conclude their Nullity: For Sovereign Majesty acts for the publick Good, and the Conveniency of the Country, even in abrogating a particular Right which springs from a natural Principle.

4. That

4. That upon all these accounts it cannot be said that Renunciations in Treaties are illegal: for 'tis plain that Renunciations of Sovereignties are not such; but on the contrary, being founded on the publick Conveniency, in order to prevent the conveying of the Sovereignty by Marriage or any other way to a Foreign Family, to the prejudice of the Royal Family that stands possess'd of it, and to avoid the eclipsing and darkening the Lustre of the Majesty of the Royal Family, to the prejudice of their Vassals and Subjects, that may insue upon the change of their natural Lord; these Renunciations, I say, are acknowledg'd to be just, pious, and commendable, and receiv'd and approv'd as such by all Tribunals without Contradiction.

5. That Exceptions rais'd against Contracts, Treaties, and Renunciations from the Constitutions of the Civil Law, vanish, and lose their Force among Princes, on whose behalf the Renunciation was made, and fall before that Majesty upon which the renounc'd Right is devolv'd, as not being subject to the Civil Law, or its Formalities. For, as the Injunctions of the Positive Law relating to Contracts, Successions, Alienations, &c. are overlook'd among Soldiers for the Conveniency of the Publick; these Contracts, &c. being measur'd not by the common Law, but by the Law of Nations: So Contracts between Sovereigns are to be put upon the same foot; for in these we chiefly regard pure Nature, the publick Faith, and the performance of Promises; which does not infer the limited Effects of a Contract, but the Force of a general Law, obliging all the Parties concern'd to the Execution of what's therein stipulated, without the necessity of any Right, Law, or Disposition to enforce the Validity of such Contracts: For those Contracts themselves form and constitute a valid Obligation upon the
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the Parties to perform the things contracted, without regard to any other Solemnity, Circumstance, Transgression or Omission of Formalities, or to the Incapacity of the Persons contracting, or injur'd by the Contract, since the Majesty and Supreme Power of the Contractors supplies all these Defects.

6. Since simple Treaties between Sovereigns are of so great force, Treaties of Peace must be much more such. 'Tis true, the Sovereign Power is equal in both cases, as to the Validity of what is stipulated. But 'tis certain, that Treaties of Peace are of a higher importance ; for since the design of War is to procure a Peace, the absolute disposal of all that lies within the circle of the Dominions of Sovereigns is lodg'd in their hands in a more distinguishing manner in order to procure that good end ; but still with this Proviso, as a supreme Law to which they are subject, That they shall provide for the common Safety, prefer it to all human Considerations, and in case of necessity, abolish and abrogate whatever opposes it : for in the sense of the Law, the most disadvantageous Peace is accounted more useful and convenient, than the most successful War. And upon these grounds, since the obtaining of Peace does not always depend upon the Will of him that commenc'd the War, but upon that of his Enemy ; all Laws acknowledg that the Sovereign by virtue of his Royal Authority, has an absolute Power to treat, make Offers, and to adjust matters, according to what he knows of his own Power, Strength, of the Circumstances of Time, and the state of his Affairs : Inasmuch that whatsoever he agrees upon, is in effect valid, and has the force of a Law, without regard either to the Injury that may accrue from thence to the Liberty of his Subjects, or to the Damage that may ensue to the publick Interests, or to particular Demains, Successions, and Possessions : For the

the common Safety in which those Treaties center, outweighs all other Considerations.

Of this sort was the Treaty of the *Pyrenees*, of which the late Queen of *France's* Contract of Marriage was the chief and best part. So that upon this one Consideration, that Renunciation ought to be above the reach of the Quibbles of the Civil Law, and be look'd upon as a firm and perpetual Law, without allowing the Posterity of that Queen any Title to revoke it.

Now the Marriage being the cause of the Peace, and the Exclusion of the Queen and her Heirs the cause of the Marriage: The Contract agreed to upon that occasion, takes away all Exceptions of Law on her side, as it is express'd in the Contract it self: And the same is the case of all Cessions and Renunciations that have been or are daily made in publick Treaties between Sovereigns, even when they have no relation to Peace. All these Cessions and Renunciations are construed on the Renouncer's side to be to the prejudice of his Posterity, and even of the Municipal Laws which prohibite Alienations; but at the same time that Posterity has no right to counteract or recal 'em, as appears by all the above-mention'd Arguments. Now, what would become of *France* if the Descendants and lawful Heirs of those who have made Cessions and Renunciations on their behalf in Treaties that were oftentimes forc'd; what would become of them if these Descendants should dispute these Cessions and Renunciations upon this Plea, that their Ancestors could not do any thing to the prejudice of their Rights, as being deriv'd not from them, but from the first Founders of the alienated Dominions; and if they should insist on the Municipal Laws that entitle them to the Succession by the right of Blood and Nature? To instance in one thing: Where would *France* be, if the *English* should

should offer to dispute the Renunciation * of all right to the Crown of *France* made by the two *Edwards*, the Father and the Son, in favour of King *John*, in the Treaty of *Chartres*, under pretence either that the Son engag'd in the Treaty was *minor* and subject to a paternal Influence, or that Sovereign Rights are unalienable? *France* would quickly be reduc'd to a very low ebb, if a Separation were made of all that has been annex'd to her by Treaties, and the pretended Law of Reunions mention'd above. Let therefore the *Pyrenean* Treaty, in which the Contract of the late Queen is the chiefest part, and inseparable from it, continue in its full force. *France* has got sufficiently by the Cessions that *Spain* made upon the Marriage of the *Infanta*. And since upon the same occasion the two Kings did stipulate the Exclusion of her from her Father's Kingdoms and Dominions in consideration of the publick good, and the respective Interests of their Crowns; if her Posterity have any thing to object, it must only affect the King their Grandfather, who condescended to marry their Grandmother upon these terms; or their Grandmother, who purchas'd her being Queen of *France* at so high a rate.

So that it remains only to be decided, Whether the Renunciations of the two Queens are contrary to the Law and Custom of Nations; and whether they admit of any such Exceptions as are capable to reinstate their Descendants, contrary to the tenour of the Contract? But before I enter upon these two Heads, 'twill be necessary to trace to the bottom the general Right of the Males of a Royal Family, in case of a design to continue and preserve the Suc-

* Jurejurando solemnī Anglus exueret se jure, si quod illi in Regnum *Franciae*, summumq; Dominatum, spemq; hæreditarii diadematis extitisset. Paul. Æmil. in Joan. I.

cession in a select Family; which will serve to justify all Dispositions built upon it.

* If we run back to the original Source of the Preference given to the Male Line; we'll find it the effect of a Law issued from God himself, in the regulation of his People, grounded on the Principles of the Law of Nature, back'd by the Law of Nations, and receiv'd by the positive Civil Law, in consideration of the publick Good that attends it. 'Twas upon these grounds that the *Athenians*, *Lacedæmonians*, and *Romans*, excluded their Daughters and their Descendants from succeeding to possessions of Honour, in which the Splendor and Dignity of their Family was to be kept up. Now in Royal Successions, this Institution is so much the more commendable, that it promotes the publick Good in a degree infinitely more eminent, than in private Cases, and is so much the more conformable to natural Equity, that in the Males it keeps up the Representation of the Glory and Benediction that God has bestow'd upon a select Family. To what purpose should the Author of Nature stamp upon Man the most precious impression of his Divinity, if it were not to entitle him to a preference before Women in his qualification for that Office? Moreover, by what Right or Justice can a Father, who is a King by Succession, deface this Impression, by suffering the Glory and Blessing settled upon his Family, to pass into a foreign Family, so long as it may be still preserv'd in the Order of a Male Representation? Such was the Blessing that the Patriarch *Jacob* gave to his Son *Judah*, in constituting him the Head of his Brethren, and the Royal Lamp of the Tribe of *Judah*:

* *The Prerogatives of the Male Right.*

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And

* And in effect this Lamp kept up the Splendor of the Kingdom in the Male descent, till Divine Justice extinguish'd it, because of the Peoples Sins, by stripping that Tribe at once of its Strength, and the Title of a King ; which the Prophet † *Isaiah* deplores with so much vehemency. That the beams of Glory can shine only in the Males, is manifest from this, That the Females carry the Possessions, Honours, and Dignities of their Family into a foreign Family. Besides, the Author of Nature has deny'd 'em that Perfection and Capacity to govern, or perform the other Functions due to a Scepter, that Man is possess'd of. Upon which Account the Laws have declar'd 'em incapable of Government, and have only allow'd 'em to undertake Domestick, Private, and Oeconomical Offices.

It is for the same Reason, that in the Institution of *Fiefs*, which came up since, Women are excluded from such as require personal Service, as well as from the Possessions and Dignities that belong to them : in which *Majorats* and *fidei commissa*, are erected, *i. e.* which are intailed and infeoffed upon Males. This in process of time gave occasion to Contracts between Families, for a reciprocal Succession between two Sovereign Houses. Such were those in *Germany*, between the Houses of *Austria* and *Bohemia*, between the Dukes of *Saxony* and Landgraves of *Hesse*, in which the Marquisses of *Brandenburg* have enter'd since ; and several others, which 'twere tedious to recount. Tho these Con-

* *The Scepter shall not depart from Judah, nor a Lawgiver from between his Feet, Gen. 49. 10.*

† *For behold the Lord, the Lord of Hosts doth take away from Jerusalem, and from Judah, the Mighty Man, and the Man of War, &c. Isa. 3.*

tracts overlook'd the Right of the Daughters of the last Possessor, and cross'd the Order and Privilege of Blood, yet they were confirm'd by the Emperor, and esteem'd by all Lawyers just and commendable, in imitation of the antient Privilege of Military Conveyances. Now, if the Institution of such Contracts between different Families has been approv'd of, in order to keep up the Names, Arms, Splendor and Dignity of Families; if, pursuant to these Contracts, the Daughters of Electors, and several other Princes of the Empire, are excluded, even without a Renunciation, from the Succession to those Possessions, to which the Dignities and Titles of the Family are tack'd, and all this in favour of their Relations by the Male Issue: If, in fine, the Institution of Entails and Infeoffments in behalf of the Males of private Families, has been receiv'd and applauded as a publick Good for these four Ages last past: Of what Consideration and Weight must the Order of the Male Representation be in a Royal Family, not to speak of the publick Good that results from it, by excluding a Foreign Family, which hath in all Ages been ever odious to the People?

But not to dive any deeper into a Subject that has been treated and illustrated by so many learned Lawyers: May I put the Question to the *French*, By what Title, and by what Law was the Crown of *France* preserv'd in the Royal Family, when it so fell out that Daughters were to succeed, and which I touch'd upon in the first Part? No one can set this matter in a clearer light, than their Historian * *Paulus Amilius*; in the account he gives of that famous Contest between *Edward III.* King of

* In *Vita Caroli Pulchri*, p. 438.

England, who claim'd the Crown in Right of *Isabella* his Mother, and *Philip de Valois*, who was one of the Collateral Line of the Royal Family. " The King of *England*, says he, fortified his Cause with the Laws. He alledg'd, according to the Civil Law, that since Nature did not crr in pro-creating Daughters, they ought not to be excluded from the Right of Succession. He quoted the Divine Law in *Numbers*, viz. That when a Man dies without Heirs Male, his Inheritance falls to his Daughters. For what Crime could the Mother of *Edward* be guilty of, that she, the Sister and Daughter of a King, should be frustrated of the expectation of a Kingdom, or disabled to hand down her Right and Prospect to her Son?

This Remonstrance was given in to a full Convention of the Grandees of the Kingdom, assembled to decide this important Affair. And you shall hear from the same Author how the Count d' *Arras* reply'd, who had studied the Point upon a like case in which himself was concern'd. " For my part, says he, I maintain on the contrary, that Daughters have no right to this Kingdom, and that Queen *Isabel* could not either give when alive, or leave to her Son after her death, a Right that did not belong to her. God, continues he, creates Mortals in what Sex he pleases, and in that order we receive them; we who are Men submit to the Government of Men, but disown that of Women. As for the Allegation of the Divine Law ordering Daughters to enjoy their Fathers Heritage, I answer, that the same Law does likewise command Women to be mindful of their Sex, to confine themselves within its due Boundary, and not to pretend to give Laws to Nations. If you alledg that the Divine Oracles

" have

“ have said otherwise ; I answer, That unless you
 “ make it out to be the design of those Oracles to
 “ establish that for a lasting and perpetual Law, not
 “ only as to one particular Fact, but in a Kingdom
 “ for all times, and among all Nations ; you bring
 “ nothing to overturn our Cause. These Oracles
 “ have said much more on our behalf, *to the end,*
 “ say they, *that the Possessions of one Tribe be not*
 “ *confounded with another, and that the Heritage may*
 “ *continue in the respective Families.* As for the
 “ Law of Nature and the Law of Nations, 'tis a
 “ plain case ; for, if we follow the Order of Na-
 “ ture, either we are free and set at liberty from
 “ the Commands of others ; or else every Man
 “ must obey, &c. his own and not those of others.

The Right of Males, and the Exclusion of Fo-
 reigners from Royal Successions, and by consequence
 the Interest of the House of *Austria* in the present
 juncture, cannot be better defended, than that
 Count has done it. 'Tis true, *Philip de Valois* find-
 ing himself in a strait, makes use of the *Salique Law*
 to fortify his Right : But he only quoted it, he durst
 not produce it ; for in good earnest that Law being
 made in the time of *Pharamond*, and out of the
 Kingdom, related only to the Succession of the
Franco-Gauls. Nay the *French* themselves * own,
 that it was never receiv'd in *France* as to the Suc-
 cession of *Fiefs*, and far less as to that of the Crown :
 Upon which account, the most noted Lawyers in
France have rejected it, and look'd upon it as a
 vulgar Error ; as I could easily make it appear by

* Fran. Ottoman. de lege Salic. in Franco-Gall. cap. 8. Ludo-
 vic. Faber. in Dissert. Hist. in Prefat. p. 15, &c. De terra
 Salica in mulierem nulla portio hæreditatis transit, sed eam vi-
 rilis sexus acquirit. Cod. Leg. Sal. tit. de Allodiis.

quoting their words: But those of *Scipio Duplaix* * will serve for all the rest, viz. *Et si autem aliquot abhinc sæculis error quidam hominum imperitorum in hoc disputationis genere versatus est; existimantium legem quandam apud majores nostros fuisse nomine Salicam, quæ de hac re nominatim cavisset; tamen quoniam inveteratum illum errorem ac potius commentum, absurdum ac fabulosum, in Franco-Gallia nostra confutavimus, nihil necesse arbitramur eum in locum refellere.*

'Tis true, the Count *d' Arras* did likewise represent the constant Custom of the Kingdom, which ought to have the force of a Law, in preferring the Male Line to the Daughters in the Succession of the Crown. And indeed that is the most solemn Argument that the *French* after him have constantly used for a ground of Exclusion in other cases; tho it was totally abrogated in the Reign of *Charles VI.* But besides that this Custom was founded upon the same fundamental Reasons with the Emperor's Male Right, there are still stronger Arguments to be urged on his behalf: For tho there are Municipal Laws that oppose his Right, for instance those of *Castile*; so there are fundamental Laws of general extent over all *Spain* that favour him, namely, the *Gothick* Laws, of which anon; besides all the Dispositions made in pursuance of these Laws to put his Right out of dispute.

Upon the occasion of this Discourse of the Count *de Arras*, I cannot but remark, how apt the *French* are to contradict themselves. The Count makes use

* De jure Regni Gal. lib. 2. lege 2. de Success. Regn. Item Prolog. 5. apud Patrit Armacanum lib. 1. Martis Gal. 30. Francisc. Ottoman. de jure Regni Gal. lib. 3. passim & fusè.

of the Divine Command * given upon the account of the Daughters of *Zelophehad*, to authorise the Exclusion of Daughters from the Crown, and intitle Males to the Succession of antient Inheritances, to which the Name, Title and Splendor of Families are annex'd. And the Arch-Bishop of † *Ambrun* draws a quite contrary Inference from the same Text, viz. That, pursuant to this command, Daughters ought to carry the Succession along with them, into whatsoever Family they belong to. Had that Prelate been a Member of that great Assembly, he had done the *English* very good service; as the *Count de Arras* had done to the House of *Austria*, had he been Counsellor to *Lewis XIV.* But *Josephus* the Historian shall decide the Question. He is an impartial Author, and well inform'd in the Matter. His sense of which is this: || If Daughters, says he, marry'd within their own Tribe, their Inheritance was their Dowry; but if they marry'd into another Tribe, they were to leave their Inheritance behind 'em: And by this means, continues he, the Inheritances were kept in their respective Tribes. 'Tis in this sense that all Interpreters admire the Divine Wisdom in disposing thus of Inheritances; to the end, says * one of 'em, speaking of Daughters marrying into another Tribe, that when the Succession should come to fall, they might be look'd upon as if they had never been Members of the Tribe, and the Inheritance might come to the Next Relation, they being presum'd to have renounc'd their Right. This Opinion, or at least the Reason of it, is agreeable to

* Numb. 36. 6, 7. *Let them marry to whom they think best; only to the Family of the Tribe of their Father shall they marry. So shall not the Inheritance of the Children of Israel remove from Tribe to Tribe.*

† *Droits de la Reine*, p. 89.

|| *Lib. 4. Antiq. c. 7.*

* *Jacob Tyrinus ad Numb. cap. 36.*

the 4th Chap. of *Ruth*, as the most Noted Interpreters affirm.

But, this is not the only occasion in which the *French* Authors contradict themselves; they speak and write just as they act, that is, deceitfully, and contrary to their own Sentiments; as others have * observ'd before me. When they have a mind to exclude an Heiress and her Children from the Crown, as in the Case of *Edward III.* they are not contented with the Publick Reasons, that oppose the Admission of Foreigners: They must have a Prohibitory Law; but at the same time there's none such to be found. What must they do then? Why, they raise the *Salick* Law from its obscurity: They bring it from afar, and dignify it with the Character of a Sovereign Law. In another juncture when they want to set a Sister on the Throne, to the prejudice of her Brother, whom they have a mind to disinherit; then the Royal Authority, the Consent of the Princes of the Blood, the Decisions of Parliaments, the Acclamations of the People, do all jointly conspire to crown the Sister and the King of *England* her Husband: Then the Antient Custom is counteracted, the *Salick* Law is remanded to its dark cell, and no body does either of 'em so much Honour as to recal 'em. At last they grow weary of this Foreign Government, the Disinherited *Dauphin's* Party begins to get the Ascendant, and of a sudden the *Salick* Law comes in request again. Presently they unbury her, and invest her with a Sovereign Equipage. She is set up for an Idol, and all *France* runs to pay her Homage. After all comes a Third Case. The Infanta *Isabella*

* Mendaces ac deceptores esse, ac fidei lubricæ; res suas non minori scribere fide, quam agere; aliter sentire quam loqui. Joan. Lymneus Not. Regn. Gall. l. 1. c. 3.

claims the Crown, as being Heirefs in the failure of Males. The King of *Navarre* is declar'd Forfeited. However he disputes it, and the *Infanta's* Family and Country are equally odious to the People. Then the *Salick* Law triumphs. The King of *Navarre* sets up her Worship, the Court Parasites offer Incense to her, the Prelates of that Party preach her up in all Provinces: And there's none but the Lawyers that dare to degrade her by exposing her for a Vulgar Error. Should not this be enough to put the Lawyers now to silence, and likewise the Court-Flatterers, such as the Author of the *Manifesto* in 1667, and * the Archbishop of *Ambrun*, who give it out for a Fundamental Law, or rather a Decree of Providence?

But this is not the only Artifice that *France* makes use of to colour her designs. There's a Convention at *Senlis* for the Choice of a King. The Voices are divided; and Inconveniences appear on both sides. To determine the matter, a Bishop † discovers in a Parable of the Gospel that the *Lillies* do not spin. That's enough, *France* bears the *Lillies* in her Arms, and consequently her Crown cannot fall to the Distaff. Presently the Parable is turn'd into a Sacred Oracle, and publish'd as such all over the Kingdom. And thus is *Philip de Valois* prefer'd to *Edward*, for Heaven hath decided in his Favour.

I should never have done, were I to insist on all the Disguises with which *France* colors her unjust Actions. State-Policy is with them a *Proteus*, that changes its form every hour, but is perceiv'd by Foreigners under all its disguises to little purpose, since they are never able to fix it, for it always slips out at some door or other. I proceed to the Renunciations according to the order of the Matters.

* *Droits de la Reine*, p. 105.

† *The Bishop of Beauvais*.

* If we take a nice view of *Renunciations* made by the Daughters of Kings as to their Right of Succession to their Fathers Dominions, in order to continue them in the Royal Family; we shall find them grounded upon Obligations to promote the Publick welfare, which consists in excluding Foreigners from the Government; and is approv'd to be such by all the Nations in *Europe*. 'Twas by virtue of this Sovereign regard to the Publick Good, that in several Kingdoms the Daughters of Kings were excluded upon marrying Foreign Princes, and in other Countries a Renunciation was requir'd; as a Famous Author † observes, particularly of the Kingdoms of *England* and *Arragon*. But, to avoid a Croud of Instances, and Quotations to confirm so certain a Truth; do not we see it maintain'd in its full vigor in all the Kingdoms, Dominions, and Sovereignties of the World, especially in those of *Europe*, by making Entails and Infeoffments upon the Male Issue for the Preservation of Families, which is every where look'd upon as an Universal Good, and generally approv'd of by the *French* and *Spanish* Laws? Now if the Exclusion of the Daughters of an Illustrious Family, in order to found an Intail on the Males for the Good of the Family, is acknowledg'd to be Just and Commendable; Is not the Exclusion of Royal Princesses, who make Voluntary Renunciations on the same Account, equally laudable? And if the Consent of the Sovereign is a necessary Ingredient in the Creation of private Entails: Was not the Exclusion of the two Queens back'd by the Consent of the Catholick Kings their Fathers and Sovereigns, and that of the most Christian Kings their future Husbands, a Consent

* *Renunciations are just and laudable.*

† Vincet. Cabot. lib. 1. disp. cap. 17.

that they stipulated beforehand, and adjusted with so much Solemnity in the Contracts ?

If *France* pretend that the Renunciations of Kings Daughters are unprecedented, we can make out the contrary by Instances in all Ages and Nations. Such was the Renunciation propos'd to King *Latinus* in *Virgil*; by which *Lavinia* being about to marry *Aeneas* to promote a Peace, was to give up her Right of Succession to the Crown, to her Father and her Country * : That Condition was thought necessary to prevent the Extinction of the Honour of the King and Kingdom, and the Prejudice that might accrue to his Subjects and Vassals by that Princess's marrying a Foreigner. And *Aeneas* complied with it, as appears from the sequel of the *Aeneids*, where 'tis observ'd, that this Consideration of the publick Good affected the Gods as much as Men : And certainly this is the noblest and most curious Intrigue in all the *Aeneids*.

But not to insist on fabulous Citations, *France* it self affords as many Instances of Renunciations as any other Kingdom. *Jeanne* of *France*, the Daughter of *Lewis Hutin*, resign'd her Right to the Crown, † in favour of *Philip Le Long* her Uncle; and in like manner *Jeanne* Daughter to this *Philip* renounc'd || in behalf of *Philip de Valois*, whose Relation was more remote: *Mary* the Daughter of *Charles*, surnamed the *Wise*, ** did the like when she married *William* Count of *Hainault*; as did after her *Elizabeth*, and *Henrietta Maria* Daughters to *Henry IV.* whom I mention'd in the first Part; not to speak of other Examples that might be added if there were occasion.

Nor is *Spain* destitute of Instances to this pur-

* Cedat jus proprium, regi patriæq; remittat. Virg. *Æneid.* l. 11.

† Bellefarest. du Haillan. les freres de S. Marte. Scipio du Plaix, &c.

|| Walsingham, du Tillet, du Plaix, &c.

* Du Tillet Recherche, Part. 1. p. 309.

pose. 'Tis true, there have been *Infanta's* married in *France* without resigning: But 'tis equally true, that since the commencement of the Pretensions to *Castile* upon the account of *Blanche* Mother to King *S. Louis*, there have been no Marriages made without that Condition. The first of those Marriages attended with Resignations, was that of *Violante* of *Aragon* with *Louis II.* Duke of *Anjou*, which deserves a particular Reflection; and since that there have been three more, namely, that of Queen *Eleonora* with *Francis I.* and those of the *Infanta's Anna* and *Maria Theresia*, of which above. Tho the Pretensions of *France* to *Castile* upon the account of *Blanche* as being the eldest, were afterwards extinguish'd by the Cession made by *S. Louis* her Son to his Daughter *Blanche* in consideration of her Marriage with *Ferdinand de la Cerda* eldest Son to *Alphonfus* King of *Castile*: Yet I think it proper to touch a little upon it, by reason that it gave occasion to the Resignations that *France* now disputes.

The Exclusion of *Blanche* upon her Marriage with a foreign Prince, notwithstanding her being the eldest Daughter, was grounded on the antient Gothick Laws *, which exclude Foreigners from the Crown, in these words, *Rege vero defuncto, nullus tyrannica potestate, aut extraneæ gentis homo promoveatur ad apicem regni.* Tho these Laws were calculated for the Kingdom of the *Goths*, which was elective, yet they were look'd upon to be fundamental, as to the Exclusion of Foreigners, ever since the Crown became hereditary in the Line of *Pelagius*; especially when it happened so, as a Foreigner might be interpreted an Enemy, as is mention'd in the fifth Article of Queen

* Concil. Tolet. 3, 4, 6. Concil. 5. Can. 3. lib. 8. in Prolog. del Fuero Juzgo. Ibid. lib. 5. Tit. 16. Part. 2. Mariana de jure Primogen. lib. 1. cap. 2. num. 11.

Ann's Renunciation. Besides, the Dignity of their Institution made 'em to be respected as such, for they were publish'd and confirm'd in the Councils of *Toledo*, which have always been of great Authority in the Church, as being compos'd of a great number of learned and pious Bishops out of *Gothick Gaul* and *Spain*. Moreover, since the Kingdom became hereditary, *Bermudus* and *Alphonfus* I. Kings of *Castile* confirm'd 'em by publick Edicts, which the Archbishop of *Ambrun* * himself confesses: After which King *Alphonfus*, surnamed the *Wise*, who reign'd in the year 1253. pursuant to the design of King *Ferdinand* his Father, compos'd the new *Castilian Code*, which, says the same † Archbishop, agreed in many things with the Law of the *Goths*, or with the Civil Law, or with the Canons of Councils. Now this same *Alphonfus* in his *Code*, settles the Order of the Royal Succession by Primogeniture. From whence we may first of all make this Inference, that since according to the *French*, he often follows the *Gothick* Law, and the Canons of Councils, he must likewise own their Authority: So that he not having alter'd the Law that excluded Foreigners, and that Law bearing date from the beginning of the Monarchy, it must continue in its full force. I doubt not but a Copy of this Municipal Law will oblige the Curious; and accordingly I have here inserted it upon the Credit of the Archbishop || of *Ambrun*, whose Translation I keep to, to shew that I perceive no Mystery in it.

** Wise and knowing Men taking into their Consideration the publick Good of all, and knowing that a Partition in the Succession of Kingdoms must needs occasion their ruin, according to our Saviour's

* Droits de la Reine, p. 27, 28.

† Pag. 23.

|| Pag. 32.

** Siete Partidas, Part. 2. Tit. 15.

words,

words, that every Kingdom divided against it self must needs decay and fall to ruin; have thought it just that the eldest Son alone should inherit the Kingdom after his Father's death: And this has been the universal Custom of all Nations in the World where the Succession descended by Blood, especially in *Spain*, in order to avoid several Mischiefs that had happen'd, or might happen for the future. They have therefore order'd, that the Descendants in a direct Line shall always inherit the Kingdom; and in case there be no Male Issue, the eldest Daughter shall succeed to the Crown. They have further provided, That if the eldest dies before his Accession to the Throne, and leaves behind him a Son or a Daughter lawfully begotten, that Son or Daughter shall succeed, and exclude any other Person: But in case the whole Line, both Male and Female, comes to fail, then the next Relation shall be Heir to the Crown, provided he be capable of it, and guilty of nothing that deserves Forfeiture.

This, says that celebrated Panegyrist, is the Fundamental and Municipal Law of the Succession of the Crown of *Spain*: But he had done better, had he only call'd it the Municipal Law of *Castile* for the Royal Succession, and the common Law of *Spain* for private Successions; then People would not have look'd so narrowly into it. But, not to insist on a Criticism that would lead me too far out of my road, I shall only make the following Remarks on that Law.

1. The Intention of the wise and knowing Men that settled this Order of Succession, was to make the Kingdom indivisible in the Person of the eldest Child, which is a politick Institution founded upon the publick Good. And for as much as this Order stands upon the Principle of the publick Good, and not on the Law of Nature which comprehends all Children equally; 'tis consequently liable to variation,

riation, as was observ'd before.

2. This Order is not a Fundamental Law of the first Rank, *i. e.* one stipulated by the People, as the terms upon which they consented to make the Kingdom hereditary; nor yet of the second Rank, since we find no posterior Contract between the Kings and the People to confirm it. 'Tis therefore a form of Succession which *Alphonsus* finds grounded upon Custom, and approves of it as being futed to the course of Blood, and proper to perpetuate the Indivisibility of the Kingdom. Whence it follows, that before and after *Alphonsus*, as well in *Castile* as in the other Kingdoms of *Spain*, neither this Unity and Indivisibility of the Kingdom, nor this Order of Succession was constantly observ'd; both the Kings and the People having Power to depart from it, especially when the Publick Good, which was the ground both of the Custom and the Edict, requir'd it.

3. That they have derogated from the Indivisibility is plain from the Example of several Kings, both in *Castile*, *Aragon* and *Navarre*, who divided their Possessions among their Children. That the Right of *Primogeniture* has been likewise overlook'd among Daughters, we have repeated Proofs from *Aragon*; among many others, D. *Jayme* King of *Aragon* gave the Succession reciprocally to his Sons and Grandsons, excluding the Daughters: *Peter III.* surnam'd the Great, did the same; and *Peter IV.* surnamed the Ceremonious, followed their Example: And these Conveyances were never disputed by the People, or reputed unjust. I pass over the other Instances both in this Kingdom and in *Navarre*, because I shall have occasion to produce 'em in treating of the Renunciation of *Violante*.

To confine my self to the Kingdom of *Castile*. 'Tis certain, that if the Custom of Succession by
Primo-

Primogeniture was settled in the time of King *Pelagius*, as *Molina* says it was, 'twas counteracted by *Odosinda* his Grand-daughter, who, according to the Archbishop * of *Ambrun*, came to the Crown, in prejudice of the Son of *Froila* her Brother, for no other reason but because he was young, and the Memory of his Father was odious to the People. 'Tis much that *that* passionate Author, who has suppress'd all the Instances of the Exclusion of Daughters, notwithstanding their Right by Blood in the Kingdom of *Aragon*, should forget himself so far, as to mention this which confirms it in *Castile*.

But if there were no other Instance in *Castile*, that one of the Exclusion of *Blanche* were sufficient, They dreaded, says *Mariana* †, a Foreign Government, and thought it necessary to prevent all occasions of fresh Troubles, if *France* had got footing in *Spain*. *Garibay* || gives the same reason in other terms. *Ferdinand*, says he, and *Alphonfus*, the Father and Son, together with the *Grandees* of the Kingdom of *Castile* and *Leon*, and all the Cities, considering how prejudicial it would be if the Kingdoms of *Castile* and *Toledo* fell under the Government of Foreign Princes, would never give way to it. Upon this Consideration the Convocation of the States was hasten'd, in which *Berenguele* the Mother of *Ferdinand* was prefer'd with general Consent, to the prejudice of *Blanche*. These *Gothic* Laws, own'd to be fundamental under hereditary Kings, as to the Exclusion of Foreigners, the unanimous Consent of the States of *Castile*, and these publick Considerations, are sufficient to decide the present Question, without any additional Reasons. But there's still more.

* Pag. 17. † De rebus Hisp. l. 2. c. 7. externum imperium exhorrebant, & novorū motuū materiam, si Gallia Hisp. commissā esset, subtrahendam judicabant. || Compend. Hist. de España l. 13. c. 10.

This same *Alphonfus the Wise*, the Author of the abovemention'd *Edict*, was the Grandson of *Berenguele*. King *Ferdinand* his Father, had been receiv'd and proclaim'd King by the States of *Castile* and *Toledo*, and enjoy'd those Kingdoms under that Title. Now is it to be presum'd, that this same *Ferdinand*, who was a pious Prince, and *Alphonfus the Wise*, his Son, who compil'd the new *Castilian Code* in which this *Edict* is inserted, would have declar'd themselves Usurpers in publishing it; if they had not found their Right grounded upon Law and Custom? Did not both of 'em disapprove the Pretensions of *Blanche* and King *St. Lewis* her Son? and during all the Contests upon the Account of the Succession, which lasted from the latter part of the Reign of *Philip the Handsom*, Father in Law to *Blanche*, in whose time the case happen'd, till above half the Reign of *St. Lewis* her Son; had the two Kings Possessors the least thought of quitting their Right? Or if it was only a Prejudice they were possess'd with against the Union of the Crown of *Castile* with that of *France*; had not *St. Lewis* several Sons, and so might have agree'd the Matter by giving *Castile* to a younger Son? *Mariana*, (a) having assur'd us that *Blanche* was the Eldest Daughter, and coming afterwards to speak of the Accommodation made between *St. Lewis* and *Alphonfus*; speaks of the Retainers to the former, as being Parasites, Vain-Boasters, and Enemies to the Publick Peace: Which is a plain Proof that the Right of the Kings in Possession was uncontrovertible. *St. Lewis*, as great a Saint as he was, united *Poitou* to the Crown of *France* with less Right.

(a) *Pace inter utramq; gentem firmata; Rex Francus jure decessit, quo illi tanquam Blancae nepoti, regnum Castellae plerique destinabant, assentatores Vaniloqui, pacisque publicae hostes. Mariana de reb. Hisp. l. 2. c. 7.*

For, though *Alphonfus* his Brother had Married the Daughter of Count *Simon*, yet she being dead without Heirs, the Heritage should have gone to the King *S. Ferdinand*, (*b*) who had Married the other Sister and had Children by her. But as in *Spain*, the Publick good outweigh'd the Right of Succession devolv'd on a French Prince; so in *France*, the Publick Utility prevail'd over the Right of Succession devolv'd on a Spaniard.

To these Instances which thwart the Right of Primogeniture in Daughters, we might add the Reciprocal (*c*) Contract of Succession, made since, between *Henry III.* King of *Castile*, and *Ferdinand* King of *Portugal*; and after that, the Admission of *Isabel* Sister to *Henry IV.* King of *Castile*, in Prejudice of *Jeanne*, whom he and his Queen had declar'd upon Oath to be their Daughter, and by consequence their Heiress, to stifle Publick Calumnies. The Reciprocal Contract was founded on the mutual Conveniency of the two Kings; and the admission of *Isabel* was confirm'd by the Authority of the States of the Kingdom. But, without insisting on these particular cases, have not the Kings of the House of *Austria* departed from these Measures of Indivisibility, and the Right of Primogeniture, by particular Contracts upon occasion, when the Publick Good call'd for 'em? And the Emperor *Charles V.* who confirm'd both the one and the other, was not he the first that broke 'em in the abovemention'd Cases; and that without any Opposition from the States of the Kingdom, or any Remonstrance from *France*, as if it had not been in his Power, when they consented to it in the Treaty at *Cambray*?

(*b*) *Mariana*, Tom. 1. Lib. 13. Cap. 1. & 2.

(*c*) *Petr. Lopez Ayala* in Chron. Joan. 1. ann. 1. cap. 2. *Edward Nunnez Leonius* in *Ferd. Lusit.* p. 215.

But

(*d*)

But, to convince us that *Alphonfus the Wise* had no Design to impose a new Yoke upon his Successors; we need but cast an eye on the Exception he makes upon the Admission of the nearest Relation, when the Royal Line is extinct, *Provided*, says he, *that they are qualified for a Crown, and are guilty of no Crime that deserves the forfeiture of their Right*. Is not this remote Relation call'd upon in his order to the Succession as well as the nearest? and if the one suffers an Exception, why not the other? Is it credible, that *Alphonfus* intended, that the nearest Relation should Reign in opposition to the Publick Good, and not the remotest Relation? To put it out of all doubt, let's but consult the Archbishop of *Ambrun* (d). *This Code*, says he, meaning *Alphonfus's Code*, *has always been follow'd in the Kingdom, and is look'd upon as a Standard for Judgments, where it is not expressly Repeal'd by the Edicts of the new Kings of Castile*. Then new Kings may Repeal it: And what would one have more, after such an ingenuous and authentick Confession.

I proceed to the Renunciation of *Violante*, which authoriz'd the subsequent Resignations, and at the same time justified the Exclusion of *Blanche*. *John I.* King of *Arragon* had two Daughters; namely, *Jeanne*, who was Married a little before his Death to *Matthew Count de Foix*, Prince of *Bearn*; and *Violante*, who was Married afterwards to *Lewis II.* Duke of *Anjou*, upon the Condition of renouncing by a Sworn Deed. *Matthew* did not fail to put in his Pretensions to the Crown of *Arragon*, soon after the Death of his Father in Law. *Jeanne* was the eldest, and had not renounc'd. So that the *Castilian Code*, and all the Reasons urg'd by the French in the behalf of Primogeniture, were on her side.

But on the other hand, the States oppos'd to her the abovemention'd *Gothick* Law, which they asserted to be the Fundamental Law of *Spain*, and an ancient Standard for adjusting the Succession: They alledg'd also the ancient Custom of the Kingdom, which excluded Daughters from the Succession to favour the Male Line; and all the Conveyances made by their Kings in pursuance of that Custom. They added, by way of Confirmation, that, when they suffer'd the Succession to fall into the hands of *Petronilla*, Daughter to *Ramirus* II. which was the only contrary instance ever since *Arragon* was a Kingdom; 'twas, because the Male Line of the Royal Family was quite extinguish'd; and that even then they did not consent to it otherwise, than upon Condition of her Marrying *Raymond* Count of *Barcelona*, their Countryman; who was to content himself with the Title of Prince Regent of the Kingdom, the Title of King being reserv'd for their Children in the Contract of Marriage; that this same *Petronilla* had by her Will excluded her Daughters; that *Alphonfus* II. her Son follow'd her Example, as well as the Kings, *D. Jayme*, *Peter* III. *Peter* IV. and others, recorded by (e) *Zurita* and (f) *Ancharranus*. They likewise cited another Law Enacted before the time of King *Pelagius*, by which (g) in pursuance of the Fundamental Law, 'twas decreed, That when a Daughter came to Succeed for want of Males, she should not Marry a Foreign Prince, nor without the consent of the Kingdom for fear the Scepter of the *Goths* should be convey'd into foreign hands. This Law, which some Law

(e) *Zurita. Annal.* l. 3. c. 5.

(f) *Conf.* 335.

(g) *Lucas Tudenfis in Chron. Joannes Lupus de Obtent. regni Navarr.* Part 6. N. 9.

yers call'd in question, they fortified by its Conformity to the Roman Laws, which enjoyn'd, that a Daughter, Marrying out of her own Country, tho' under Age, and influenc'd by the order or consent of her Father, should forfeit not only her Right and Capacity to Succeed to her Father's Heritage; but likewise the Heritages already possess'd; and her Children should lose what belong'd to 'em by the Right of Blood and the Law of Nature, whether in a direct or transverse Hereditary Line; and that successively. *Matthew*, not satisfy'd with these Reasons, resolves to do himself justice by force of Arms. The War breaks out on both Sides. The People of *Arragon* suffered much; but at last, continuing steady in their Resolution, they constrain'd him to retire.

There cannot be a more authentick instance, than this, of the Exclusion of an Elder Daughter, for no other reason, but that of Marrying a Frenchman. Here, *Matthew* was not of the Royal Family; so that the Prejudice arising from the Union of the Crown of *Arragon* with that of *France*, was not the case: The only reason was, the Obligation, under which the People of *Arragon* lay, to prefer the Male Line of the Royal Family to the Succession, as they had done before, in putting their Crown upon the Head of *Martin* King of *Sicily*, Brother to their late King. But after all, if the French will not own themselves to be Foreigners in *Spain*, from the instances of *Blanche* of *Castile*, and *Jeanne* of *Arragon*; the following instance may serve to convict 'em.

Violante had made over her Right upon Oath to *Martin* her Uncle by the Father's side; and ratified the Resignation by a Treaty of Peace. Now, tho' she was under Age at the performing of both these, yet the validity of her Renunciation was not call'd

in Question upon that account. The matter was this. *Jeanne* her eldest Sister having left no issue, and *Violante* having only Renounc'd in favour of *Martin* and his lawful Off-spring which was extinguish'd with his Son; the Renunciation was of no effect upon his side, and by Consequence the Right devolv'd upon her own Children. The People of *Arragon* disputed the Succession with *Violante*, upon the same Foot, that they excluded *Blanche* and *Jeanne*. As for the Renunciation, they alledg'd, that it was no new thing, since 'twas supported by Law, and the Custom of all Nations. And in *Spain* there were Instances of Resignations, besides those that *Arragon* affords; *Jeanne* for Instance, ^(h) Eldest Daughter to *Philip III.* King of *Navarre*, made over her Right to *Mary* her Younger Sister, upon the Marriage of the latter with *Peter* the IV. K. of *Arragon*; without any exception or opposition made, either to the proceedings of *Philip* who stipulated the Renunciation, or or to the conduct of *Jeanne* who gave her consent to the prejudice of her Children. They added, that the order of Succession is subordinate to the Publick good, and that *Violante* had Resign'd upon that score: And by consequence there was no returning, either for her or her Children. 'Twere tedious to repeat all that was said and reply'd in this controversy. The Lawyers were divided, and the famous *Ancharranus* sided with *Violante*.

In the mean time the *Arragonefe* having bestow'd the Crown upon *Ferdinand* of *Castile*, Count d' *Antequera*, and Son to a Sister of King *John's*; *Lewis* Duke of *Anjou*, oppos'd his Accession; and the War between the contending Parties broke out, not

(h) *Mariana* Lib. 16. Cap. 14. *Zurita*. Lib. 7. cap. 35. *Vincent. Cabot*. Lib. 2. disp. cap. 12.

only in *Arragon*, but in *Naples* and *Sicily*, that depended upon it. To put an end to the War, *Ferdinand* and *Lewis* thought fit to refer their pretensions to the Arbitration of Nine Lords of the Kingdom, indifferently chosen; and engag'd to stand to their Decision. They pitch'd upon three Lords out of *Arragon*, three out of *Catalonia*, and three out of *Valencia*; who were all Men noted for their impartially and integrity, and well vers'd in the Laws of the Kingdom. These Judges assembled, the contending Parties presented their Reasons, which were debated with all the Formalities of the Bar; and in the end the Judges gave it for *Ferdinand*, whose chief Plea was his being a Native (i) and as such preferable to a Foreigner, tho' a nearer Relation. But after all, *Lewis* would not acquiesce in their decision: upon which they made a new reference to Pope *Benedict XIII*; who, after a mature examination of all the Reasons on both sides, confirm'd the decision of the Nine Judges.

There cannot be a more convincing proof of the Emperor's Right, than this double Decision, and that upon a case that was not near so favourable as his. The Line, on whose behalf the two *Infanta's* Resign'd, subsists in the Males, who are privileged in *Arragon*, and in the other Kingdoms are also prefer'd to Foreigners. The Law of the Council of *Toledo* is on their side; the Municipal Law of *Castile* supposes this other Law to be Fundamental; and further to abrogate all that part of the Municipal Law, that may tend to the contrary, a new Law is made with all the Authority and Majesty of the Catholick and most Christian Kings, in their Contracts. This Law, which Supersedes the Municipal Law, is solemnly approv'd of by the States of the Kingdom, and con-

(i) *Zurita annal. de Arrag.* Lib. 11. Cap. 82. & seq.

firm'd by the the wills of the two *Philips* the III. and the IV. Founded upon the Execution of the Contracts, and both these Wills are approv'd of and stamp'd with the Authority of a Law by the States : To the end that the first (k) Law may remain firm and stable for ever, pursuant to the intention of the Contracts.

France may therefore let alone her Objections from the Authority of some *Spanish* Lawyers, who seem to favour their pretensions by Asserting the Right of Primogeniture. All those, whom they cited in the *Manifesto* in the Year 1667, as giving a general decision that favours their pretensions, have made an exception as to those particular Cases in which the Publick good is concern'd ; as 'twere easie to make appear from their Writings, if there were occasion. All of 'em allow of the Principle of Renunciations ; (l) they think it lawful for any Man to make over the Benefit accruing to him by Law ; they affirm, that when the Mother is Excluded, the Children are in the same condition, and have no Qualification for the Right that their Mother Resign'd and made Over before they had a Being, since we cannot assign Qualities to Non-entities. All of 'em commend Daughters for making Over in Contracts of Marriage their Possessions, Rights and Actions, in favour of their Family, with a design to Erect a *Tail Male*, or to keep up the Antiquity of the Family. In fine, they all agree, that if the Publick good attends a Renunciation, the Exclusion resulting from it must of necessity be extended to Posterity, pursuant to the Principle laid down before.

(k) *Nueva Recopil.* de ann. 1640.

(l) *Potest quilibet resilire ab eo jure, quod pro se introductum est, favorique suo renunciare.* penult. c. de Part.

If we pass from *Spanish* to Foreign Lawyers, we find none, but what offer the same Principles, and make the Right of Primogeniture in Royal Successions to yield to the Publick good. The Learned *Arniseus* (m) who has treated this Question thoroughly; having gone thro' all the Monarchies of the World, in which the Succession goes by Primogeniture, fromt hat of the *Assyrians* down to the middle of the last Age, and speaking particularly of the Kingdom of the *Goths* in *Spain*, from the time of *Ataulfus* to that of *Pelagius*, and after him down to the last Catholick Kings : this Author, I say, (n) concludes that a King cannot change the form of Succession Founded on Law, or receiv'd by the Custom of all Nations, except in such Cases as the Publick good requires it ; For since that comprehends the Summ of all things, and is the ultimate end of Government ; he (o) may with regard to it alter the Order of Succession, in opposition to the apparent Right, and the Title of (p) Children and their Descendants. Now if this Sovereign Cause prevails over Children in general, much more ought it to outweigh the Right of Daughters, by reason of the great inconveniences that attend the transferring of Kingdoms from one Family to another, and the Changing of Native Kings for Foreign ones : (q) As the greatest Politicians have Observ'd of the Kingdoms of *Sicily*, *Naples*, *Navarre*, *France* and *Poland*. And 'twas this very

(m) *Arniseus Polit. Lib. 1. Cap. 9.*

(n) *Sit ille Patriæ primus augustus Parens, &c.*

(o) *Idem Polit. lib. 1. cap. 9.*

(p) *Idem. lib. 2. cap. 2. Sect. 8.*

(q) *Idem Polit lib. 1. cap. 2. Sect. 12. Bessold. disp. Nomocopol. in Prodr. num. 7. & lib. 1 dissert. 11. num. 4. Martin. Magerus cap. 15. num. 45.*

Reason,

Reason, that mov'd *Arniseus*, in Concurrence with the most Learn'd of the Lawyers, to conclude, that according to the Law of Nations, in Hereditary Kingdoms, Daughters ought to be excluded from the Succession, so long as there are any left of the Male Line ; *de jure Maj. cap. 2. Sect. 4.*

But after all ; since *France* denies Daughters the Privilege of Primogeniture and the Right of Blood, for the good of the Kingdom ; why may not *Spain* do the like for the same Reason ? And, if the Form of Succession has been chang'd in *France* three times, *i. e.* Once for every Family that has possess'd the Crown, as their own Historians inform us ; why may not that of *Spain* be Chang'd by the Accession of a Prince of *Austria*, at a time when all the Kingdom not only consents to it, but desires it ? Have the Male Children of *France*, born in Foreign Countries, less Relation to the Royal Family, than those who are Born in the Kingdom ? Do not they carry about with them their Right of Blood, where ever they are, which Entitles them to the Succession, according to the disposition of the Founders ? Or, if they are Excluded from the Crown as being Foreigners, without an *Indulto* from the King pass'd in Parliament to restore them to their Right ; why may not the Children of two Queens Born in *France*, and Sons of *France*, be in like Manner Excluded from the Crown of *Spain*, by the Authority of a Contract made between two Kings Interest'd in the Affair, in order to preserve the Peace, and a good understanding between the two Kingdoms. *France* cannot produce a Law that Excludes the Princes of the Royal Family upon that Account ; but *Spain* produces One, and that the antientest in the Kingdom. What *France* therefore has introduc'd and made to be a Law, must it be Criminal in *Spain* ? And if the antient *French* are not Chargeable with impiety

Impiety in introducing that Exclusion, far less are the *Spaniards*; what is there in the Custom or Law on their sides but what is found in Antenuptial Contracts of the two Queens. The Roman Laws, that provided, that a (r) *Patrician* or Noble Family making Alliances with a *Plebeian*, should Forfeit the Privilege of Nobility, and that a Daughter Marrying out of her own Territory should lose all her Right to her Father's Heritage; these Laws, I say, were they ever deem'd unjust? By no means. They were always look'd upon as just and laudable, and the last of 'em (s) is observ'd to this day in *Milan*, *Novare*, *Venice*, and other Provinces of *Italy*.

All the Dominions, that *France* has annex'd to her Crown, by Marriages, Treaties, and Wills; had not they their Municipal Laws to regulate their Successions? Or did *France* never ask the consent of the People for their Incorporation, nor regard the Right of other Lines that were Entitled to the Succession, when that of the Branch that had Incorporated them came to fail? *Humbert Duke* (t) *De Viennois* made a disposition of *Dauphiny* to his Second Son *Philip De Valois*, upon Condition, that it should never be United to the Crown of *France*; and that when his Second Son's Posterity fail'd, *John Duke of Normandy* and his Descendants should Succeed, and withal be Oblig'd to bear his Name and Arms. But after all could *Dauphiny* escape the Misfortune of being annex'd to the Crown of *France*, upon the account of its lying so conveniently in the Neighbourhood of *Italy*? What shall I say of *Provence*, and *Brittany*,

(r) *L. Fæminæ de Senator. ubi corras Baron. Rebuf. & scriben. lib. 4. 10.*

(s) *Andr. Alciat. Resp. 53. Barth. Socin. Conf. 53. Vol. 1. Menoch. Conf. 5. 20, &c.*

(t) *Hytton. Buchner resolut. quæst. pract. coral. ult. n. ii.*

to go no further back ; The first being wrested from the true Heirs by an extorted Will ; and the second refus'd to the *Infanta Isabella*, upon whom it was devol'd by the Municipal Law ? But if the Right of Succession be unalterable , by what Title is the Posterity of *Hugh Capet*, Possess'd at this day of the Crown of *France* ? Was it not by an unjust Usurpation over *Charles Duke of Lorraine*, to whom the Right belong'd, as being Uncle on the Father's side to *Lewis V.* and the last Male of the Royal Family ? Could the Right of Succession deriv'd from *Charlemagne* the Original of the Family, insure the Crown to that unfortunate Prince, against the ambition of *Hugh*, who not being contented with despoiling him, confin'd to him perpetual Prison ?

To conclude ; will *England* tamely Suffer their Custom Authoris'd by the Course of so many Years to be Branded as impious and inhumane ; by which the Daughters of the Royal Family Marrying out of the Kingdom, Resign all Right of Succession, in their Contracts of Marriage ; as it happen'd (t) in the Marriage of *Elizabeth* the Daughter to King *James I.* with the Elector *Palatin* ? But if we urge the French (u) to give us their Opinion of Renunciations, will not they join with all the *European Nations*, in owning, that the Roman Laws, prohibiting Renunciations are not to be regarded upon that Head ; that, as these Laws Corrected former Laws which disinherited Daughters , so the Modern Legislators may Correct these which tend to the ruin of Families ; that ever since the *Canon Law* has allow'd Daughters to Renounce, upon having a Dowry, in order to preserve in the Male Line the Splendor and Dignity of Families under the name of

(t) *Bessold. de regn. success. Lib. 1. dissert. 11. Thes. 4.*

(u) *Late Ann. Robert ver. Judicat. Lib. 2. Cap. 4.*

their Ancestors, Renunciations have been look'd upon as an Universal Good ; that Use and Custom is the best interpreter of what is suitable, and what not to the state of Mankind, insomuch that those Laws which at certain times and to certain People were Sacred and wholesome Laws, would at present, according to our Constitution, introduce confusion in Civil Society, that for this Reason the Authority of late Ages has repeal'd many Antient Laws, in pursuance of that Law-Maxim, that a Law Ceases to be a Law, from the Moment that it turns useless; and, in fine, that Modern Legislators, having introduc'd Renunciations made by Daughters for the Preservation of Illustrious Families, and these being Authoriz'd by the Custom of four Ages, approv'd of by Sovereigns and admitted as valid in all the Courts of *Europe*, 'twere a senseless piece of presumption to impugne them in any manner ?

Since therefore Renunciations are usual in *France*, as well as in *Spain* ; and are of themselves Founded on Law and Universal Custom ; we must of necessity have recourse to the Faith of Treaties ; and conclude that as there is no human Law that can divest Kings of the Right of Sovereignty, (which gives the force of a Law to all that is Conceiv'd and Contracted between 'em,) or free 'em of the Obligation to promote the Publick good ; so the Catholick and most Christian Kings, by giving the force of a Law to the Exclusion of the two Queens, mutually oblig'd themselves to put it in Execution ; and the Wills of the Catholick Kings being made in execution of the same, the late King, as Hereditary Successor, could not reverse it to the prejudice of the Emperor, upon whom the resign'd Rights were devolv'd.

C H A P. V.

*That the Will of His Catholick Majesty, is Null
de facto and de jure.*

WE need no other Proof of the Nullity of the pretended Will of the late King, but the Justice and Equity of the Wills made by the two Kings, his Father and his Grandfather. Now, that Justice and Equity being made to appear in the foregoing Chapters, it remains only to expose the principal Absurdities of that Forc'd or Supposititious Will.

I. Put the Case, If this Will was not Supposititious, 'twas forc'd and extorted by a most scandalous and enormous Violence ; as plainly appears by the Conduct of *France*, with respect to the late King, mention'd in the first Part of this Treatise, to which I refer the Reader. Let it be suppos'd that the late King did make that Will, 'tis certain he was Constrain'd to it, to save his People from an Invasion, and his Crown from being Dismember'd. Pressing Necessity prevail'd over his Obligations, and Might overcame all the Measures of Right and Justice. He was in such a Condition, as he might be compar'd to that of the tender and afflicted Mother in holy Writ, who being press'd by the fear of seeing her Child Die, when it was to be divided by *Solomon's* Sentence, chose rather to give up her living Child to her Enemy, in hopes that she would have so much Charity as to take care of it. Things were reduc'd to such an Extremity, when this Will was made or Forg'd ; that to prevent the two above-mention'd Evils, the Part suggested to the late King
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of *Spain* by the Creatures of *France*, appear'd to be the least unbecoming his Dignity.

Suppose a Father of a Family at the Point of Death, finding himself destitute of all human Succour, betray'd in his Domestick Affairs, his Allies entertaining a Correspondence with a formidable Enemy that stood at his Gates, and that Enemy threatening to cut his Throat with a Dagger, if he did not give up all his Possessions unto him: This Father, I say, what could he do else, but yield to Necessity, and Sign all the Conditions requir'd by that Enemy, in order to save his Children? This was the case of the *Romans* under their Tyrannical Emperors, when they left them to be their Heirs: That was the only way left 'em to secure part of their Estate to their Family; and this is what Historians look upon as the greatest excess of Tyranny. This being the Posture of Affairs, I leave the Reader to judge, whether a Will made by the late King under these Circumstances be good or not? And supposing the Royal Family of *France* were rightfully Entitled to the Succession of the Crown of *Spain*, whether they would not be declar'd to have forfeited it before all Tribunals of the World, by a Conduct so outrageous and so much contrary to all the Laws of God and Man. King *Francis I.* when set at liberty, thought it a good Apology for not executing the Treaty of *Madrid*; that he was forc'd to it by constraint and violence: Tho' at the same time there was no constraint offer'd him by the Emperor *Charles V.* for if we do but cast our Eye upon the History of *France*, we shall plainly see that no Victorious Prince ever made a more modest and generous Use of his Advantages, than he did. But tho' *France* maintain'd that pretext by a thousand Subtilties of Law; what answer will they be able to give when all *Europe*, who having been Witnesses
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of their Conduct, comes to upbraid 'em with the Injustice and Enormity of it. They may give their procedure what turn they will in *France*; but it will be found to be so Enormous in its Form, so Unjust in its Nature, and so Pernicious in its Consequences; that if the World suffers it to be accounted a Legal Title, to bereave the Emperor and his Family of their Heritage; no Right, nor no Disposition whatever, will henceforward be able to secure Families in their Successions. Let us represent to our View, the late King oppress'd in Body and Mind by habitual Infirmities, and reduc'd to the last Extremity by his Relapses; His Kingdoms drain'd of their Strength; his Ministry Weak, Divided and Corrupted; his People under a Consternation for fear of an Invasion; his ancient Allies in Confederacy with his Enemy to Dismember his Crown; the Frontiers of his Kingdom open and expos'd on all Hands; his Garrisons and Sea-coasts naked and defenceless; in fine, *France* with an Army at his Gates threatening to over-run the Kingdom every hour. If, in these Circumstances, the late King, perceiving the approaches of Death, and finding himself destitute of all Succour, and press'd by a *French* Faction that had the ascendant in his Council; he comply'd with and Sign'd all the Demands of *France*, in order to save his Crown and his People; what Consequence can be drawn from thence to deprive the lawful Heir of his Succession?

II. 'Tis Publickly known and manifest, that all along the late King intended to act conformably to the Disposition of his Ancestors, in observing the settled Order of Succession. He design'd his Crown for the Archduke; because his Elder Brother was already King of the *Romans*; and the Publick Convenience requir'd, that the House should continue divided

divided into two branches. This his intention was the spring of all the Correspondencies between the Emperor and the late King, their common Negotiations abroad, and their particular Confederacy with *England*, *Holland* and the Princes of *Germany*. There remain'd no more to be done, but to convey the Arch-Duke into *Spain*; and that could not be done, after the King's last Sickness depriv'd him of all hopes of Heirs, without giving *France* an opportunity of making a Rupture.

To set this Matter in a clearer Light, 'tis to be observ'd, that immediately upon the Conclusion of the Treaty of *Reswick*, *France* March'd the best part of her Troops to the Frontiers of *Spain*, and kept Men of War always in readiness to insult its Coasts, in expectation of the late King's Death, as I said in the first part of this Treatise. And at the same-time, the Marquis *d'Harcourt* his Ambassadour at *Madrid*, omitted none of the common Artifices, to perswade the *Spaniards*, that they had no way to save themselves, but to give the Crown to a Son of *France*: Promises Briberies, Intrigues, Threats, every thing was set on Foot, to Work 'em into this Opinion; but without effect as to the Principal Part, he could only gain a certain Number of Creatures consisting of Secret Enemies to the House of *Austria* and the Publick Good. After that, the Duke *de Moles* was nam'd Ambassadour to *Vienna*, and before his departure had long Audiences of the King, and of the Queen. Upon this the *French* Ambassadour took the Alarm, and spread about a Report that the Duke was sent with a will in favour of the Arch-Duke. This he publicly complain'd of, and threaten'd, since they design'd only to cheat the King his Master, as he pretended they had done before by a Will in favour of the late Electoral Prince of *Bavaria*, to return to *Paris*, to undeceive his Master,

ster, and let him to know, that he was to expect nothing from the *Spaniards* by fair Words, for nothing would do but force of Arms. Whereupon he left *Madrid*, giving publick Marks of his dissatisfaction, and of his Designs. In effect, he scarce had his first Audiences of the most Christian King, when the Treaty of Partition with all its abovemention'd Circumstances appear'd to the World. Upon the Publication of that Treaty, the Creatures of *France* began to shew their Heads in *Spain*, and endeavour'd to throw all the *Odium* of the thing upon *England* and *Holland* for entering into it, and at the same time insinuated a mistrust of the Emperor, that according to the Measures taken by *France* and its Allies, he would be oblig'd to enter into it, for fear of losing all. They concluded, that there was no other way left to save the Monarchy, but that of giving it fairly to a Son of *France*.

Notwithstanding all these Contrivances; the late King, being acquainted with the Emperor's Sentiments, was not wanting to concert with him the most proper Measures for securing the Succession to the Arch-Duke. Orders were dispatch'd to the Viceroy and Governours of the States of *Italy*, to receive the Emperour's Troops into their Garrisons without further Orders. This is a truth they themselves cannot disown, for they communicated it to the Emperor: At the same time he nam'd Select Deputies in his Courts of the *Netherlands*, ordering them to repair to all the *German* and *Northern* Courts, to second the Ministers of the Empire upon that head. Besides, to secure the Frontiers and Sea-coasts of the Kingdom, he gave Orders not without a great deal of opposition, for a Force by Land and Sea, which would have been sufficient, had not the corrupted Faction, which the frequent Relapses of the late King, and the despair of overturning

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the Projects of *France*, had encreas'd; found a way to break it upon his next Relapse. In short, the Emperor having undertaken to preserve the States of *Italy*, and the *Maritime* Potentates being so much interested in the Preservation of the Low-Countries and the *Indies*; there remain'd only the Frontiers and Sea-coasts of *Spain* to be taken care of; nay, which is more, the Emperor consented upon the Arrival of the Duke de *Moles*, to Pay and Remit at his own charges the two *German* Regiments that were in *Catalonia*; so that *Spain* being free of that Charge, could have provided a greater Number of Troops for its Defence; and had they improv'd these good Dispositions, what occasion was there to fear any thing from *France*, in case of a Change?

Are not all these publick and private Actions of the late King, so many Authentick Testimonies of his Will? Had he design'd to call a Son of *France* to the Succession, to what purpose was that Land and Sea Force ordered; why was he so concern'd to put the Frontiers of *Catalonia* in a posture of Defence; and for what end did he Concert all these Measures with the Emperor, for putting the *Italian* Garrisons into his Hands? Had there been a secret Understanding between him and *France*, he might have sav'd all that Charge, and concluded the remainder of his Life in a profound quiet. For since the most Christian King accepted of this pretended Will after his Death, and at a time too when he had got the chief Potentates of *Europe* engag'd in the Partition; much more would he have accepted of it when he had less security for his Interests. Besides, to what purpose was that Decree given in; in writing, to his Counsel, about two Months before his Death; unless it was to put an end to the importunities of the said Council, who press'd him to declare for a Son of *France*? And since he therein

protested that he would not declare for any of the Competitors ; was not that done on purpose to gain time for putting in Execution the Measures concerted between him and the Emperor, to secure the States of *Italy*? But what will *Europe* say, when they come to see several Letters under his Hand to the Emperor, both before and after that Decree; in which he gives fresh assurance of his good Intentions on the behalf of the Arch-Duke; and owns his obligation to make him his Successor, and concert the most proper Measures for insuring the Crown to the Arch-Duke, without giving *France* any pretext for a Rupture.

In fine, what is it that the Ambassadour *Moles* cannot say, who was sent to *Vienna* on purpose to press the Execution of these Measures, and what is it that the Queen Dowager and principal Ministers of *Spain* who were Privy to all those Measures cannot say, and more still the Imperial Ambassadour who was their common Organ, and to whom the late King always protested that he would sooner hazard his Life and Crown than consent to the Partition or the Admission of a Son of *France*.

But if the Emperor was pleased to keep himself within the bounds of Decency and Respect, which was due between Relations, so near and so united, not to shew the *Spaniards* an Anticipated Heir, when the Deceased King was in a Condition to beget Issue; and if afterwards he was pleas'd to delay the sending his Forces into *Italy*, that he might not give *France* any occasion to break with him, relying upon the Justice of his Right, and the good Intentions of the Deceased King, this Decency, this Respect and this Motive of preserving the Peace, can they be any prejudice to the Merit of his Cause, or rather ought they not to oblige all the States of *Europe* vigorously to support it, as their own in
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the like Case, to prevent in favour of their Posterity the Consequences of so Pernicious and Sacrilegious an Example?

III. That *France* had a Party form'd in the Council of the Deceas'd King, to frustrate his Intention, is no less evident; some being gain'd by Corruption, others by false Prospects, and the greatest part carry'd away by the fear of present Invaon, or a Dismembering of the Monarchy, which according to all outward appearance was inevitable. The Ministers of *Spain* who were the best affected, and resided in foreign Courts with publick Characters, made it evidently known at *Vienna*, in *England* and in *Holland*, when they protested in the Name of the King their Master against the Treaty of Partition. For not content to represent the Injustice, and pernicious Consequences of it, they publicly Declar'd that the *Spaniards* would sooner take a Son of *France*, than suffer the Dismembring of their Monarchy; that they knew the advantageous Offers which *France* made them to induce 'em to it; that it behov'd 'em not to flatter themselves with any thing to the contrary, as having demonstrable Proof that the Principal Men had already condescended. They spoke the Truth; but the greatest part looking upon it as a Paradox, did not believe 'em, till there was no Remedy. Thus by an effect of this Conspiracy, they who had the freest Access to the King, and the greatest Authority in the Government, did bring about by degrees a necessity of admitting the Duke of *Anjou*, by crossing all Resolutions that tended to the security of the Kingdom. The Deceas'd King had caus'd a Squadron of Twelve Men of War to be fitted out to Sea, on board of which were 6000 Land Soldiers, to drive the *Scotts* out of *Darien*, and this Squadron was ready to Sail. At the

same time Intelligence came, that the *Scotts* were expell'd : After which, the Imperial Ambassadour insisted that the Soldiers might be Landed and Employ'd to secure the Frontiers, and the Men of War still kept Rigg'd and Man'd to guard the Coast. The Design was approv'd ; but while the Orders were drawing up, the *French* Party taking their Advantage of the Royal Authority, sent away the Fleet, in so much haste, that the King's Order came too late. But this was yet worse, that when the Deceased King had resolv'd upon the Equipment, and given out the Decree before mention'd ; The same Party seeing it impossible to diswade the K. from his Resolution, and not daring any longer to oppose it, took the Advantage of his first Relapse that brought him to his End, to prevent the effect of it, by crossing the Measures taken for that end on pretence that the Kingdom was not in a Condition to defray the Expence.

If the Principal Men in the Council had not held Intelligence with *France*, is it credible they would have left the Fortresses of *Fontarabie* and *S. Sebastian*, which were to have been surrendred by the Partition, and which by Consequence were the most expos'd, the first with no more than a Garrison of 300 and the other only with 100 Men ; and those too half naked and without pay ; and the Fortresses without Ammunition and Provision ? Who will ever be perswaded, that the Crown of *Spain*, which had so often made *France* tremble under *Charles V.* and *Philip II.* could not be able to find 3000 Men to defend those Places which are the Security of the Frontier, and which were sure to be first Attack'd upon the refusal of the Partition ? This Consideration alone were sufficient to evince the Collusion already mention'd, tho' it had not been verifi'd by the Event.

IV. What more convincing Proof can there be of a manifest Conspiracy, than the manner of Extorting

torting or Counterfeiting the Will. The Good King perceiving himself at the last extremity by reason of a Relapse, which made the Physicians lose all Hope of his Recovery, the Pious Pretence of preparing his Conscience was made use of to remove from his Person those in whom he had the greatest Confidence, and to substitute others in their room who were to be of their Party. All the Queen's Motions were observ'd; and they who by their Offices, had the freest Access to the King's Person, being in Confederacy with *France*, she could not make the least step in conformity to the King's Intentions, but what was discover'd and cross'd.

The King's Antichambers were all kept lockt for the same reason, and whatever Means the Imperial Ambassadour could use to speak with him, Audience was still refus'd him by the grand Chamberlain, under pretence that he was no longer in a Condition to be troubled with Business. The King therefore having no Body about him but brib'd Domesticks, and finding himself under the utmost weakness of Body and Mind, who could hinder an Ecclesiastic in high Authority and a great Confident to exhort him with the Crucifix in his hand to subscribe the Will, threatening him with Eternal Damnation, if upon that Occasion he preferr'd the Interest of his House before the Welfare of his Crown and People? Who, I say, could hinder such an Ecclesiastick, when the King had lost his Sences, as it befall him in Relapses, to counterfeit this Will, to impress it with his engraven Signature, and afterwards to Seal it with the Royal Signet, suppressing at the same time the Will which he would have Sign'd in favour of the Arch-Duke?

The Circumstances of Time and the Tenour of the Will, give sufficient Grounds for all these Conjectures; for the *French* Faction had made their

Game so sure, that nothing less was to be expected. This is certain, that during the three Days which the Faction made use of to force the Will; the King, notwithstanding his Extream weakness, resolutely withstood their Importunities the two first Days; that is to say, so long as his Strength would permit him; and that if he yielded the third Day, 'twas through the false Impressions which the principal Conspirators made upon him, that the People were already gather'd together before the Palace Gate to demand a Son of *France*, and that there was no other way to hinder 'em from breaking into his Apartments, than by quickly Signing the Will propos'd.

Advance nothing here but what is notoriously Publick: All *Madrid* has been witnesses to these Ill Practices; and if the *Spaniards* now deny it through Fear or Corruption, there will be found Persons of worth among 'em to make it out, when they are recover'd from their Fears, or enrag'd to see themselves reduc'd to Slavery by the Crimes of a corrupted Party, they will be forc'd to break Silence. But what do they not say already, and what Testimonies could we not bring in Confirmation of what has been said; did we not fear to ruin those who have giv'n 'em?

If the Ministry of *Spain* believ'd this Will to be True, why was not the Emperor's Ambassadour admitted to the Publishing of it, as a Party concern'd. He had earnestly demanded of Cardinal *Portocarrero* to be admitted, and he agreed to it; but having call'd a Council immediately, as soon as it broke up, he came forth and told the Ambassadour, that no such leave could be granted; and indeed the King's Chamber, where the Will was to be open'd, was presently lock'd up, and all the Avenues guarded to prevent any Body's coming near it. But why this Refusal, and Precaution, contrary to the Custom at
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all times practis'd in the like cases, if it were not from the fear which the Conspirators had, that the Ambassador, who was inform'd of the foul Play, would have Protested against it as he was prepar'd to do, and that those of the Grand Nobility who were not of the Cabal, should come and joyn with him in his Protest? This work of Iniquity having been contriv'd in the Dark, was to be compleated in the Dark.

Tho' this Defect of Formality be nothing in Comparison of the Violence already spoken of, yet certainly it is of Consequence as to the Validity. For the Vassals and Subjects of the Crown who are out of the Kingdom, when they come to be inform'd of the notorious Violence offer'd to their King upon this Occasion, as they begin already to be; will they not cry out that this Will being publish'd, with Doors lock'd contrary to Custom, it was forg'd by a *French* Faction in Hatred of the Royal Family? 'Tis an ancient Custom in *France* and *England*, that when the Queens are just ready to be brought to Bed, the Princes of the Blood, and besides them, the Chief Nobility of the Kingdom are invited to the Anti-chamber, to be Witnesses that the Children are not Supposititious. A formality, which not being regularly observ'd in *England*, when the Wife of the late King *James* Lay in of the Prince of *Wales*, occasion'd one of the Principal Arguments for contradicting his Legitimacy. Now the Pretended Will of the Deceased King being to pass away the Crown from the Reigning Family to a Foreigner that was excluded, the Opening of it requir'd more Regularity than the Will of any other Person. But those that were able to force or substitute this Will, were likewise able to take the most proper Method to get it approv'd right or wrong? The Party of *France* was predominant in
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the Council, and the Forces of that Crown were within Call to reduce those to Reason that should have oppos'd it : So that the Doors being lock'd up at the Publication, what other Course remain'd for them to take who disapprov'd it, than to hold their Tongues, and provide for their Security ?

I shall not insist any farther upon these Circumstances, the least of 'em is sufficient to prove the Violence. If the Fraud of Substitution be question'd, there needs no more to convince us but to read the Thirteenth Article, which contains the Declaration of the Heir. For there the Deceased King is not only made to speak against his own certain Knowledge and Inclination, but also against his most positive Obligations of Honour and Conscience ; whence it follows, that if he Subscrib'd it, he knew not what it contain'd. But before we proceed any farther, it is requisite that we should observe,

V. That the Deceased King could not bequeath away his Crown to the Prejudice of the Emperor, tho' he had had a Mind and Intention so to do : The Emperor had a Right to it, acquir'd by former Titles, from which there can be no Derogation without his Consent, more especially since he hath not done any thing by which to incur a Forfeiture : So that altho' the States of the Kingdom should confirm his Will, and that all the Potentates in *Europe* should conspire with the most Christian King to justify it, which is not to be presum'd, yet the Emperor would still remain seiz'd of it. 'Tis in vain for the *French* or *Spaniards* to alledge in favour of the pretended Disposal of the Deceased King, the Right of Transmission, by which the Kings of *Spain* have always reserv'd to themselves, the Power to declare their Heirs in their Last Wills : For it extends not to the preferring of Lines excluded to the

the Prejudice of those that are included, and much less to a Line, to the Exclusion of which the fundamental Laws and the publick Welfare have concurr'd: Besides, this would be the direct way to justify the Disposition of the Kings *Philip III*, and *IV*. against which the *French* have so loudly declaim'd. By vertue of this Right of Transmission it was, that the *Spaniards* maintain'd in their Answers to the Manifesto in the Year 1667. that the two Kings before mention'd might by their Private Authority alter the order of Succession, tho' there had been no Compact or Law to ground it upon, and that he might prefer the Younger before the Elder, in order to regulate the Succession according to the Law of the Councils we spoke of already, and which as a Fundamental Law ought to have been the rule of it. But in regard this is not the Case in dispute I pass to the XIIIth Article, where you shall hear how the Deceased King is made to speak. " That being assur'd in conformity to Divers Consults of the Ministers of State
 " and Justice, that the reason upon which the Renunciation of the two last Queens of *France*, his
 " Sister and his Aunt, of the Succession of the said
 " Kingdoms is grounded, was to prevent the Prejudice of its being united to the Crown of *France*,
 " and that this Fundamental Motive happening to
 " cease, the Right of Succession subsists in the Person
 " who is nearest of Kin, according to the Laws of
 " these Kingdoms, and that this being the Case, the
 " Succession falls to the second Son of the Dauphin
 " of *France*; for which reason, regulating himself
 " according to those Laws, &c.

VI. There is hardly one Line in this Paragraph that does not contain a palpable Falshood or an evident Contradiction. To begin with the first; what are

are those Consults but the Consults of the 8th of *June*, and the 8th of *July*, which the Deceased King disown'd in his Decree of the 9th of *December* following : For while he therein commends the Just Refusal which the Emperor had made to enter into the Partition, and Protests that he would not enter into the Engagement which had been propos'd to him, for fear that if he declar'd, for the one or the other of the Pretenders, a Rupture might follow upon it ; was not this tacitly to disapprove the Intention of those Consults, since at the same time he was Negotiating under-hand with the Emperor to secure the Frontiers of the Kingdom and the States of *Italy* from the Enterprizes of *France* ? Those Ministers consulted, were certainly none of those that had been employ'd to draw the Contract of Marriage of the Deceased Queen and the Last Will of *Philip IV.* ; for then they would have been too well inform'd of the Just Motives upon which were grounded the Exclusion of the two Queens and their Descendants, not to determine it for them on this Occasion.

Let us go on : That the fundamental Reason of the Renunciation of the two Queens, was to avoid the Inconveniency of Uniting the two Crowns ; and that this Cause ceases in the admission of the Duke of *Anjou* : has been refuted already ; and if any Man still Question the Second Part, there's no more to do but let *France* go on as she begun, and she will soon pull off her Masque : She has already seiz'd upon the *Netherlands* and *Milanois* which lie most for her Convenience ; the Rest will follow in time, as I shall make appear at large in the two last Chapters.

That the Right of Succession subsists in the next Relation who is nearest of Kin, conformable to the Laws of these Kingdoms. This is what may be Granted in one

one sense. The Deceased King was at *Madrid*, and by Consequence in *Castile*; the Municipal Law there is Positive in that particular. But there has been a Derogation from it, and the Law which derogates in that Point, ought to be the Rule of Succession: which Point having been prov'd in the preceding Chapters, it is needless to enlarge any more upon it. Let us now see if the Case of the Nearest Relation be verified in the Duke of Anjou. To resolve this Question in few words, there needs no more but to reduce it to this Dilemma. Either the Agreements which have settl'd the preceding Disposals are Valid or not. If they are Valid, the whole House of *France* ought to be Excluded, since the Youngest are comprehended therein as well as the Eldest, and the Admission of the Duke of *Anjou* is provided against in Express terms. If they are not, the Dauphin is to Succeed, and after him the Duke of *Burgundy* as the Eldest, and not the Duke of *Anjou*, nor the Duke of *Berry*. Whence it follows, that if the Deceased King would have conform'd himself to the [Municipal Law of *Castile*, which always prefers the Nearest in Descent before the more Remote; that very Law he has broken by excluding the Father who is nearest to the Throne, and his Eldest Son who is next after him. His Explanation of the Motive of the Renunciation neither Saves the Covenants, nor the Municipal Law which he breaks. On the other side, there is in this Explanation enough to authorize *France*, to say, that if there may be a Derogation from the Compacts and the Law in one Point, the same Derogation may be allow'd in Others; as we have seen the Effect of it already in the Protestation of the Duke of *Orleans* for his Right to the Crown in Conformity to the Explanation; which is no more than all the Younger Sons of *France*, who are descended from the

the two Queens, may do *ad infinitum*, or at least as long as the Kings of *France* think fit to forbear asserting the Right of the Eldest, in order to Unite the Crown of *Spain* to that of *France*. A Court * Flatterer has had the Boldness, in a Book Printed by Authority to reject the Wills of *Philip III.* and *Philip IV.* and the Law promulgated by the States of the Kingdom in the Years 1618. in Conformity to the Antenuptial Contract of Queen *Ann*; the Wills for want of Authority in the Kings, and the Law for want of Essential Formalities in the Promulgation. Now tho' the Reasons which he alledges deserve not the trouble of Reflexion; Besides they may be turn'd more justly against the Kings of *France* to contradict in like Manner whatever they have introduced in Prejudice of the Laws and antient Customs, under the Family now on the Throne; and more especially since their utter abolishing of the States, without whose consent they could Establish nothing Solid in Former times; this Example I make use of, to shew that there is no Compact Title or Disposal which *France* does not at this day reject, when it is for her Interest. Let us go on.

The Deceased King then, *regulating himself according to the Laws*, he declares the Duke of *Anjou* his Successor, &c. They who forg'd this Will, be they *French* or *Spaniards*, might have spar'd the Honour of the Deceas'd King, by making him barely say, that it was convenient for his Peoples good, that he should name the Duke of *Anjou* his Successor: that *Good* would have been understood in One Sence, and the same Violence that forc'd the Will, would have no less forc'd the Execution of it; whereas by putting the Laws at the Head of the Declaration,

* *Abp. of Ambrun*, p. 104. &c.

they have only prostituted his Memory, without making their Cause any thing better. The Deceas'd King could not say in General, that he regulates himself by the Laws of his Kingdoms, since the Law of the Treaties, to which he was bound, has derogated from 'em, and that this Law so far as concerns the Case in question, is of more Force than that of *Alphonso* which is particular, both because it is Founded upon the Law of Councils, which is the Fundamental Law, and because the Crowns of *France* and *Spain* consented to its Establishment, and both of 'em upon the most Soveragin Considerations of the Publick Good. Moreover, if the Deceased King might have regulated his Succession according to the Laws of *Castile*, he would have derogated most notoriously from those of *Arragon*; for we have seen in the preceding pages that they are contrary to 'em; since they prefer the Males of the Raingning House so long as there are any; and that if they admitt the Daughters for want of such Issue, 'tis when they are Match'd, or are to Match into a Family of their own Country and not otherwise: the Examples which I have brought, the Sentence so Famous pronounc'd by the Nine Judges in favour of a Prince of the same Country, tho' of a Collateral Line, to a great *French* Prince who was nearer in Blood; and the Confirmation of that Sentence by Pope *Benedict XIII.* are proofs of this Truth not to be contradicted.

VII. It would be in vain for the French to alledge, that the Laws of *Arragon* are become Accessory to those of *Castile*, since the Union of the two Kingdoms under *Ferdinand* the Catholick: for the contrary may be prov'd by the Form of Government which was introduced there, and which still subsists. There it is to be seen, that tho' Kingdoms and States which compose the Body of the Monarchy, are subject to the
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same Head, which is the Catholick King, those United Kingdoms are each of 'em Sovereign and equal, without being reckon'd accessory to one another : that there was not any variation made in their Laws, Statutes, Privileges or Government : that the Titles of each Crown and Dominions were preserv'd in the Royal Writings according to their respective Degrees ; and that there are Separate Representative Councils proper to each at the Court of the Monarchy. (*) This is what all the *Spaniards* agree to, and therefore 'tis superfluous to spend any more time to prove it. 'Tis upon this Principle, supposing a Nullity of all preceding Settlements, that the Right of the Emperor and his Family continues good to the Crown of *Arragon* independent from the Declaration attributed to the Deceas'd King ; and what the Regency, or rather *France* have Attempted upon it.

If from the Laws of *Arragon* we pass to those of Incorporated Feiffs, tho' they should be conformable to the Laws of *Castile*, nevertheless they are opposite to the Declaration ; seeing it belongs to the Superior Lord to take Cognizance, and judge of the Inheritance. The Pope comes in here for the Kingdoms of *Naples* and *Sicily*, and the Emperor for the Low Countries and *Milanois*. 'Tis their Concern then to see whether the preceeding Settlements of Former times are of Force or not, and each of them to give judgment accordingly in respect of their Feiffs. As to the Former it is to be presum'd, that as a Worthy Successor to those Popes, who by their Ministers had a hand in the Treaty between the two Crowns at the Contracts of Marriage ; who were also Mediators for the Welfare of Christen-

* *Christop. Cresp. Valdaura. Tom. 1. Obser. 15. Numb. 43. Car. Palæotus de Sac. Consiſt. part 5. q. 7. Adam. Conzen. lib. 7. c. 3.*
dom,

dom, and whom the Deceas'd Queen required to be Garrantees of her Oath when she Swore to the *Act* of *Renunciation* in the person of *Alexander VII.* It is to be presum'd I say that he will be ready to Maintain the Justice and the Obligation of 'em. 'Tis the *Bull* of *Boniface VIII.* the Faith of the Treaties, the Religion of the intervening Oaths as well at the *Pyrenean Treaty*, as at the *Acts* of Renunciation, that he is Oblig'd as Head of the Church, and a Common Father to maintain in their Force and Vigour ; and not to permit *France* after so many Breaches to enjoy the Fruit of a double Perjury, and of such an Atrocious Violence in forcing and Forging a Will.

As for the Emperor, the Inheritance being devolved to him by the same Titles, besides those which we mentioned before tis his part with the Assistance of the Empire to do himself justice in regard of the Fieffs which belong to him as the direct Lord, and likewise to pursue his Claim to the whole Succession as the undoubted Heir, according to the Treaties and the Antient Rights of his House.

Matters being thus, the *Spanish* Ministers who Suggested the Explanation upon which the Declaration imputed to the Deceas'd King was grounded, could not have made a Greater discovery of their Ignorance or Treachery. For, not to consider here neither the Covenants nor the subsequent Agreements or Disposals, if it was their Intention that the Deceas'd King should regulate his Succession according to the Laws of *Castile*, why did they not shew him his Obligation to leave the Emperor what belong'd to him according to the Laws of *Arragon*, and that which in the Incorporated Fieffs could not be disputed with him, as Immediate Lord : or if they were willing to keep the Monarchy entire, according to the Intention of the the Founders,

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why did they Cause him to act contrary to the Agreements and disposals that preserv'd it undismembered in the person of the Emperor or the Arch-duke? Or rather why did they not with all their might, second the Measures which his Catholick Majesty had taken with the Emperor to that End; whereas by Surrendring themselves to *France* by a defective and Counterfeit Title to avoid a War, they infallibly draw upon themselves a War in which the Monarchy may perhaps be a Victim? Thus one Error draws on a hundred more, when Men depart from true Principles.

VIII. The Duke of *Anjou* is oblig'd to Swear to the Laws, Statutes, Customs and Privileges of the Kingdoms and Dominions belonging to the Crown, before he be acknowledg'd and Declar'd King: And here is the nicest Point. For by what Law will he Swear that does not reject him, and what Oath will he take that is able to rectifie the double Perjury by which he has been obtruded? Let him therefore first disingage himself from the Oaths of the King his Grandfather, and the Queen his Grandmother, and then we shall see whether he may be admitted. 'Tis true there is a sort of Law and Divinity in *France* which dispenses with the Obligation of Treaties, and the Religion of Oaths; but neither the One nor the Other prevails in *Spain*: The Kings of the House of *Austria* have always excluded 'em from thence: There never was a King of *France*, but at his Coronation did Swear to preserve the Laws, Statutes and Privileges of the Kingdom, and there never was any of 'em who did not violate those Statutes and Privileges to advance the Royal Authority, till in Process of time they had wholly abolish'd all those Statutes, &c. that were contrary to it. To be convinc'd of this Truth, we need

go no farther, but compare the Government of the Kingdom under the first Of-spring of *Hugh Capet*, with that which is now established under the present King. But if the Religion of an Oath be not lookt upon in *France*, as any more than a sort of a sleight * of Tongue, and a sort of Lure to surprize the Credulity of those that are not aware of the Snare; this pernicious Maxim ought not to prejudice the *Spaniards*, who are a People of more Honesty; and they ought to consider, that if the Foundation of the Oath he must now take be Perjury, it will not secure 'em against a second Breach of Faith, when their Kings shall make it their Business to establish Arbitrary Power among 'em, in the same manner as it is established in *France*: And this is what that Crown will be always contributing to, for Reasons which I shall touch upon in the following Chapters.

IX. The Substitution of the Duke of *Berry* to the Duke of *Anjou*, in case of Death, or his being call'd to the Crown of *France* seems to be only Personal, because there is no mention made of the Offspring either of the One, or the Other: an omission very Irregular, and which may be the Occasion of Great Contests. For, tho' it be sufficient to *France* if she once get footing in *Spain* to secure the Possession of it to her Princes, or to her own Crown, it ought not to be so in *Spain*, to whom it is of importance for her Security to be well instructed in all Cases: And thus it ought to have been the foresight of the *Spanish* Ministers, who assisted in forging the Will, to secure their Crown from the Enterprizes of the Salick Law, and the Right of Re-union, which has

* *Si pejeret Francus quod novi faceret qui prejurium ipsum sermonis Genus putet esse, non Criminis. Saluvian. Massil. Episcop. de gubern. lib. 4.*

already swallow'd up so many Neighbouring States. They ought to have consider'd also, that if it were their Intention to make the Deceased King overturn all preceding Settlements in order to admit the Younger Sons of *France*, they made him commit a great piece of Injustice in making him Substitute the Arch-duke to the Duke of *Berry*; since all the Dauphin's Younger Children by a Second Marriage, or the younger Issue of the Duke of *Burgundy*, ought to be preferr'd before him, by vertue of the Explanation.

X. And as *France* will never be able to perswade the World that the Deceased King had the least Thought of preferring the House of *France* before his own, while he substituted the Arch-duke only in the third Place, this is another Absurdity to make him exclude the King of the *Romans*, his Elder Brother, for the same Reason that he excluded the Elder Brothers of *France*. For what Inconvenience would it have been, tho' the Imperial Crown had been united to that of *Spain*, in the Person of the King of the *Romans*: or if there had been any inconvenience in it, had not the Emperor and the Deceased King provided against it by designing the Succession to the Arch-duke? or if this Agreement were not enough, what could have hinder'd him from Settling the Substitution in favour of the Younger Brothers? But how was it possible to perswade *Spain* that this Union was contrary to the welfare of her Vassals; since she must needs remember that the Monarchy never flourish'd more than under *Charles V.*? That the late King of *Spain* preferr'd the House of *France* before his own, he might be partly excus'd because of the Necessity he lay under to do so: but to make him look upon it as an ill thing to Admit the Eldest of his own Family, whom the

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Law of Nations, and the Disposal of his Ancestors call to the Succession, this is that which demonstrates the Forgery; for it is not to be presum'd that he was capable of so much Injustice and Absurdity. 'Twas therefore *France* her self, who being full of the Idea of the Partition, dictated all these Disposals, and who, by her Instruments caus'd him to subscribe 'em in the heighth of his Illness, when he knew not what he did. But after what manner soever she acted in that Affair, 'tis sufficient to observe in the Reason for the Exclusion of the Eldest Branch of his own Family, the Spirit, the Design, and the Express Terms of the unhappy Partition, to conclude that the Forgery of the Will was the Product of *French* Contrivance.

After this, how will it be possible for *France* to make the World believe, that the late King was so void of all sense of Tenderneß and Obligation to his own Family at that very moment only, that not content to prefer before it his Enemy's Family, and to look upon the Admission of the Eldest Issue of the House of *Austria* as an ill thing, he should be so brief in the Substitution of the Arch-duke, without adding the least word of distinction in favour of his Issue. Had *France* and her Tools but allow'd a Simple Substitution for the first Younger Son of the King of the *Romans*, failing the Arch-duke's Issue, they would have given something of more Probability to the Rest, and *France* would have suffer'd no Prejudice by it, because of its being so easily prevented: whereas their making the Deceased King guilty of so notorious a Contradiction to the most Vigorous and Constant Intentions that ever he was known to have in the whole Course of his Life, takes away all Credit from the Matter of Fact, and confirms the Forgery. The only Consideration then by which the Deceased

King's Proceeding can be excus'd is this ; that if he understood and knew the Injustice which he did his own Family, and if he really were so short in the substitution of the Arch-duke, 'twas because he foresaw, that all the Settlements which he should make in his Favour, would be to no purpose ; seeing that if he could not secure him the Succession in his Life time, tho' he desired it and directed all his Aimes that way, there was farr less hopes that it would ever return to him, being once in the hands of *France*. So that the Matter of Fact is still reduced to this Conclusion, that if the Deceased King knew what he sign'd, 'twas force and necessity that constrain'd him to it ; or if he did not know it, then these Settlements are Null and Void.

But not to dwell upon the substitution of the Arch-duke, and that of the Duke of *Savoy*, which are both of 'em to no purpose, can any man behold without Indignation, at the end of the XIIIth. Article, the ridiculous Method that *France* suggested to Legitimate her Intrusion, which is to make the Deceased King declare, *That for the preservation of the Peace and Union between the Emperour his Uncle, and the most Christian King, which is so important to all Christendom, he begs and exhorts 'em to strengthen the Tye of that Union, by a Marriage with one of the Arch-dutcheffes.* For who will ever believe, that this good King could think of the Injustice which he did the Emperour, for whom he had so great a Love, and not be ashamed to exhort him to Authorize it by such a Sacrifice : Or that he was so much besides his Sences, as to look upon such a Match as an Equivalent to his Family, for so many Kingdoms and States which he had Bequeathed away from it. This lessens his Understanding to charge him with such palpable Absurdities. He talks quite otherwise in his Letters : Them, he wrote when he was at Liberty and in Health ; and the

the contrariety of Sentiments, which he there shews upon the same Subject, is sufficient to prove the Forgery of the Will.

XI. *France* had push'd her poynt too Far to stop at a small thing now; and therefore thought she could not do better than to Crown her Work, by making the Deceased King declare in the XIVth. Article, that it is his Pleasure, and he Ordains that the Duke of *Anjou* being acknowledged King in all his Realms and Dominions, *notwithstanding all Renunciations and Acts to the contrary, because they were not founded upon just Reasons and Grounds.* These Expressions which tend utterly to destroy the Validity of all contrary Treaties and Acts, tend by consequence to establish the right of the Eldest, when ever it shall be for the Interest of *France* to assert it, since if there be no other dispute as to the Eldest, but only to avoid the Prejudice by the Union of two Crowns, She will not fail to propose the Expedients for that purpose, which shall last as long as her Convenience allows it. The Arch-bishop of *Ambrun*, seconding the Intention of the Manifesto, has already maintain'd that this Prejudice was not a sufficient Motive for the Exclusion of the House of *France*, but that on the Contrary, nothing can be more advantageous to *Spain*, than the Union of the two Crowns. Now if the *French* begin to talk at this rate, not having any thing as yet to dispose off in *Spain*; what will they not say, and what will they not do, when they come to be Masters there?

But was not this openly to prostitute the Memory of the Deceased King, to oblige him to make a Declaration so contrary to his Understanding, his Justice and his Piety? For who will believe him capable of giving so Sacrilegious a Ly to the Catholic Kings, his Progenitors, to the most Christian Kings

who agreed to those Compacts and Renunciations, to the Queens his Aunt and Sister, who confirm'd 'em by Acts so solemnly sworn to, to the States of his Realms, at whose desire those Compacts were past into Laws, and Lastly to the Wills of his Fathers made in the Execution of those Contracts. No, the King could never be capable of so much Impiety. He lookt upon the Observation of Compacts and Renunciations on the Part of *France*, as *an Obligation of Justice and Conscience*; as did also the Kings his Progenitors: He Wrote and Acted all his Life time in conformity to that Sentiment; and if *France* has made him speak otherwise, 'twas because she wanted a Title to restore the Eldest Issue, and she has now made one.

XII. But that which absolutely proves that the Deceased King never thought of Declaring the Duke of *Anjou* his Successor, is the Disposal of the Will it self, by which it appears that he knew nothing of Fifteen consecutive Articles, that is to say from the XVI. to the XXX, which settle a Regency during the Minority of the Successor, and where they make the Deceased King particularize all the Functions of that Regency, and order that they shall Govern till the Successor has attain'd the Age of 14 Years, at which time the Catholick Kings are Majors. Lastly, they date this Will the Second of *October* 1700. and this Judicious Ordering of the Regency has a view to the Person of the Duke of *Anjou* who was actually Major, and almost three Years older than the Age requir'd by Law. But upon whom does *France* and her *Spanish* Tools pretend to impose; and who do they think will believe that a King who knows what he does, and why he does it, who is so exact and large in the Settlement of a Regency, for which there was no Occasion, and in
other

other things that are of no consequence, as Foundations, Buildings, Alms, &c. knew every thing but him that he declar'd his Successor.

After such evident Conviction of the Forgery, it would be to purpose to bring any more proof ; I must confess I was so struck and astonish'd at those which I have recited taken from the *XIII.* and *XIV.* Articles, that I could hardly resolve to read the rest. The truth of the Matter may perhaps be thus, that the *French Party* having found a Will in Favour of the Archduke, who is Younger by two Years than the Duke of *Anjou*, and not having time to alter any more than the *XIII.* and *XIV.* Articles, which Declare the Succession, it behov'd 'em to leave the rest entire, to preserve the Order and Form ; and this is also what is confirm'd by the Inadvertencies to be found in the draught of the Substitutions, there not having been space enough for a Larger Explanation : But what will all *Europe* say to such Enormities, and how Execrable one day in *Spain* must the Memory of those be that were the Tools of so much Forgery ? Where is the Faith of Treaties, and where the Obligation of the *Spaniards* to a Family that has honour'd 'em with Kings so Wise, so just, and so Beneficent, who have aggrandiz'd their Crown by the Union of so many Flourishing Dominions, and who have so frequently suffered in their Hereditary Countries in *Germany*, and in their Authority in the Empire for having concern'd themselves too much in the Defence of the *Spanish* Monarchy ? Lastly, where is there any Justice on the behalf of *France*, who after she had been Solemnly excluded from the Succession of *Spain* has taken the advantage of the peace, to insult a Dying King, and force him to sign a Will such as she pleas'd her self, to prevent Invasions and the Dismembring of her Crown ? What Law or Equity could Authorize an Attempt of this Nature ?

Nature ; and what a Precedent will it be to Posterity, if by so unjust and Scandalous a way she can acquire a Title to deprive the House of *Austria* of her Inheritance ?

It would be an Injury to the Body of the Nation to impute to them the Crime of the Ministers of the Deceas'd King ; and there are even some among 'em who deserve Compassion ; some because they enter'd into the Conspiracy meerly out of despair, and others because they found themselves oblig'd to follow the Torrent. I speak only of those who being either won by Bribery, or seduc'd by False Prospects, have overturn'd the generous Resolutions of the Deceas'd King, to make good the *French* Game. These are they who ought to be answerable to the Nation for the ruin of the Monarchy, and to all her Vassals and Subjects for the Mischiefs which they have to suffer under the Domination of *France*. Now in regard this very Party endeavours to cover their Treachery by perswading the People that the most Christian King has done 'em a Favour in accepting the Will, and nothing but Triumphs and Conquests are to be expected under Kings of the House of *France*, I think my self Oblig'd to undeceive 'em in the following Chapter.

C H A P. VI.

That the Explanation of the Deceas'd King is so far from putting a stop to the Inconveniences which it would seem to prevent, that it renders 'em unavoidable.

WERE it as easie to repair the Mischief which the Admission of the Duke of *Anjou* must occasion in *Spain*, as to Undeceive those who consented to it, deluded by false Prospects, there might be some Hopes of a speedy Cure ; but things are already gone so far, that the Disease is become almost Incurable ; seeing they who through Bribery contributed towards it, have already introduc'd the Domination of *France*, to secure themselves from the publick Hatred. They who Flattered themselves with a Minority, in hopes of Forming the Young King to their Mind and inspiring him with sentiments for the Good of the Monarchy have seen their expectation disappointed : he is of age and will reign according to the Principles suggested to him by the Ministers of *France*. He was to come without a Train, as they were given to understand in order to bring them over. The Lure wrought it's Effect upon the Male-contents, they hop'd to gain by the Change ; But they are now disappointed the *French* shall enjoy all his Confidence : he has taken some along with him, and if he want any more, the *French* Embassadour will take care to provide 'em. He has a Reserve, and of such who have Talents to Merit something more : he has of 'em that are fit both for War and Council : too much Luster had been dangerous, but the Quality of Domestick covers all ; Then the Court of the New King being all *French*, I leave you to Judge

Judge how the *Spaniards* are lookt upon there, and whether they will not be considered as Secret Enemies, were it only in consideration of the Mischief which the *French* intend 'em. It is also to be presum'd, that they who have contributed most to the Duke's Admission, shall not long enjoy his Favour and Confidence, because he can expect no more Fidelity from 'em than they had for the Deceas'd King, as also because they will never believe their Rewards proportionable to the Merits of their Service.

They will infuse into the Young King a desire of being absolute, which is so natural to Sovereigns; they will teach him a Method to attain it according to that of *France*: and the Executions of it shall be regulated according to the Examples of his Grandfather and great Grandfather: Examples which will make so much the more Impression upon his Mind, because they will not fail to represent 'em as the only way to advance his Power, and acquire Glory. Now in regard these Maxims are absolutely contrary to the Laws and Statutes of the Kingdom, and the Priviledges of the Nation, because they cannot be establish'd but by rendring the King absolute Master, as he is in *France*, he must get ground by degrees.

They will begin by distinguishing the King's Interest from that of the Country, and by means of that pernicious and detestable Maxim which renders all Governments Tyranical where ever it obtains, they will insinuate a distrust between the King and his People: none but Creatures of the Court shall be advanc'd to Employments; nor will there be any getting thither without the *French* Embassadors Mediation. They will remove from Business all those whose distinguishing Merit may render 'em useful to the State; and Remote Preferments shall be either Mysterious Exilements, or the rewards of Sworn Infidelity to the Country. In short, Arbitrary Power beginning thus

thus to take Root, we shall quickly find *Spain* fill'd with *French* Adventurers, some under one Pretence, and some under another; and they will all of 'em be Tools to the Court of *France*. These shall be introduced into the King's Presence by the Credit of the Minister; they will be acceptable to him by reason of their Conformity of Humour and Genius, and they will comply with all his Passions to gain his Confidence, and he must Accommodate these Necessary Favourites, which will be so much taken from the *Spaniards*.

But this is not all, they must finish their work by Frenchifying *Spain*, by introducing the Customs and Modes of *France*: Licentiousness shall be insinuated under the Name of Familiarity; Corruption in Families under the Specious pretence of Visits and Civilities, and a general Excess of Riot and Debauchery, under the gentile Name of *French* Gallantry, Plays, Balls, Entertainments, Clubbs and Meetings, all must go under the Name of the Politeness and Good Breeding of the Nation. What a multitude of *French* must these new Modes draw into *Spain*, to make their Profit of 'em, and what a World of *Spanish* Money must be sent into *France* to supply all this Luxury? There are at *Madrid* already above six Thousand *French* Artificers, and how will they swarm, when drawn thither by lucre and the favour of their own Country King, by whom they must be admitted and protected. Now in regard the *Spaniards* naturally hate to work, and that their unaddictedness to Arts and Trade, gives a Liberty to all Foreigners to enrich themselves at their Expence, certain it is, that if the *French*, who are more lively, more Industrious and more Intrigueing than any other Nation, once get footing there, they will reduce 'em in a little time to Beggary, or to a necessity of going to seek their Fortune.

tune in *America*. A sort of Evacuation that will be always favour'd by the new King, on purpose to supply their Place with *French Colonies*.

Who doubts but the new King will form his Court according to the Pattern of the King his Grandfathers, by making it more Numerous and Splendid. He must have a *French* as well as *Spanish* Guard, for the security of his own and his Ministers Persons. The ordinary Revenues are not able to supply this Expence, seeing they hardly afford a sufficiency to bear the necessary Charges, and here is a Field spacious enough to exercise the wonderful Talents of the *French Nation*. The *Spaniards* are not vers'd in curious Sciences; and much less able to put 'em in Practise: So that it will not be sufficient to suggest to the King extraordinary Means according to the practice of *France*, but the *French* must direct the Execution of 'em. For these *French* Bloodsuckers shall no sooner be introduc'd under the Name of Farmers; but by a hundred several and unknown Channells they will drain the Blood of the Subjects, to make 'em more submissive than the People of *France*.

But what will become of 'em when the Government is settl'd upon the *French* Footing, and that there shall be nothing remaining but to level the grand Nobilitie, the better to subject the meaner sort. For who doubts but that to this end, they will give the same Counsel to the King, that *Tarquin* the proud gave formerly to his Son, and which will find a-now to approve it in *France* for the Confirmation of the new Government. The People will easily suffer themselves to be dazzl'd by the luster of the Court; they will never hanker after publick Employments from which they have been always excluded; nor will they be troubl'd to see the Grandees a little humbl'd who have always kept them under.

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Let the worst come to the worst there needs no more but to suffer 'em to live their Natural lives of Laziness, to keep 'em in Obedience. But it is not the same thing with the Grandees who having more elevated Sentiments and fresh Remembrance of all the Distinctions with which the late Kings honour'd 'em, will not be able to endure the Enterprizes of a Despotick Government, and the impairing of their Credit and Privileges, and by consequence must become suspected to the Ministry, and therefore mark'd out as the Objects of Persecution.

Sixtus Tarquinius being admitted into the City of the *Gabij*, won the Favour and Credit of the People by his Caresses and Liberality. He would not meddle with the Civil Government, as being useless to his Ends: That was none of his Business, he was born for War; he desir'd nothing more than to Signalize his Hatred and his Revenge against his Father, who was come to Besiege the City: They believ'd him, they gave him a few Men at first to make tryal of him, and he made several successful Sallies; they gave him more, and still Prosperity attended him. At length having obtain'd the Command of the Army by his continual Successes, there remain'd no more for him to do but to deliver the City to his Father: He dispatch'd an Express to acquaint him with his advancement, and to desire his Instructions what he had to do farther. The Crafty Politician read the Letter, and without saying any thing to the Messenger, led him into his Garden, where he did no more than only with his Wand strike off the Heads of such Poppies as were higher then the rest, and having so done, he sent the Messenger back. *Sixtus* presently understood his Father's meaning; he began to sow Divisions among the principal Nobility, then to attack 'em one after another under various Pretences: Some he put to Death, others he Banish'd, while

while some to escape his Cruelty, betook themselves to Flight. The Publick welfare was pretended for all these Executions, the Affected Dis-interestment of *Sixtus* serv'd to Authorize 'em, and the People, who enjoy'd the Spoils of the Miserable, applauded every thing. In this manner having rid himself of all that stood in his way, he cast that Potent City into a Lethargy from which she never recover'd her self till after the loss of her Liberty. The Duke of *Harcourt* understood the strong and the weak side of *Spain*, and he improv'd his Knowledge to a wonder, by forcing the Admission of the Duke of *Anjou*: and there is no question but that he faithfully instructs the Young King in every thing he has to do to render himself absolute.

'Tis in vain for the *Spaniards* to flatter themselves, that the new King will become Affectionate to his People; Wolves, tho' they change their Climate, will still be Wolves; and *Frenchmen*, tho' in *Spain*, will still be *Frenchmen*. They will always keep the young King in Hopes that he shall be one day King of *France*; to that purpose they will be always buzzing in his Ears the Natural Weakness of his Elder Brother, and the Important Necessity of bringing *Spain* under the Yoak as soon as may be, or at least of Uniting it to the Crown of *France* when he should come to enjoy it. In a word, what affection can he have for a Nation, whose Manners and Customs are entirely opposite to those wherein he has been bred; Can he put off that national Hatred which he has suck'd in with his Mother's Milk, and which the *French* who are continually about his Person, will always labour to improve, tho' to no other end than that they only may possess his Favour and Confidence? Moreover, is there any thing out of *France* that is tollerable, where is there any good Sense, Politeness or fine Mien but what is at *Paris* or *Ver-sailles*?

faillies? and if we see the *French* traverse Land and Sea, to teach their Gallantry in publick Schools, and Preach it up as Gospel, what will they not do in *Spain* when they shall come to be Lords and Masters there? In a word, what Interest can he have to have any regard to a Crown, which he will be always in danger of losing as an Usurper, or how is it to be suppos'd that he will have any tenderness for a discontented People, breathing after the Government of the House of *Austria*?

But not to insist any longer upon these Discussions, what fine work shall we behold, when the Emperor shall come to assert his Right? The Governours and Viceroys, as well within as without, will be always suspected by *France* as Creatures of the Deceased King, and by Consequence devoted to the House of *Austria*. For this reason they must be displac'd: but who must be substituted in their Room that can be confided in? To exclude the *Spaniards* at first would be a dangerous Enterprize: they look upon their Governments as another Land of Promise, or a Golden *Peru*: and to admit 'em to them without any other Precaution, this would be a little too hazardous. It concerns the Regency that all the Nations should acknowledge the Duke of *Anjou*, and to precipitate every thing rather than leave their work unfinish'd. The Emperor is preparing to assert his Right, and he will have his Confederates. This false Shadow of Interest is laid hold of by the *French*. *Spain* say they, hath not Men to guard her Forts, those that lie the most expos'd, which are those especially that the *French* have the Greatest mind to, cannot be better secur'd than by putting *French* Garrisons into 'em: 'Tis no sooner propos'd, but it is obtain'd.

Nor does the Regency stay till *France* press them to this, they prevent her, they throw themselves into
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her Arms, they abandon the Monarchy to her Disposal. This is what we find by the Letter which they wrote to the most Christian King by concert with the Duke of *Anjou*; wherein, not content to submit the *Monarchy* to his *Protection*, they give him full Power to treat and conclude in the Name of *Spain* whatever he shall judge convenient; they ratify all that he shall do from that very Moment; and add withall, that they have given Orders to all the *Spanish* Ministers in Foreign Courts, to act not only in Conjunction with his Ministers, and to Consent to all such Negotiations as he shall enter into; but also to impart to him whatever shall be transacted, as to the Duke of *Anjou*, and to obey the Orders of the One as well as of the Other. Nay, they have still done more; they have given him full Authority over the Governours of the Dominions of the Monarchy, with Orders to the Governours of Strong Holds to admit the *French* Troops, without staying for the Consent of *Spain*.

Thus you see *France* declar'd Governante of the Monarchy; the Wolf is become Shepherd to the Flock, and that which has cost the Nation so much Blood to preserve in almost 100 Years continual War, is deliver'd up by the dash of a Pen to its Sworn Enemy. The most Christian King himself could not forbear jesting upon this Infamous Prostitution. The *Spaniards*, said he, smiling as he read the Letter, have declar'd me their Chief Minister. Could he indeed do otherwise, to see a Crown which had always disputed the Preference with his own, lie prostrate at his Feet, and begging his Favour and Protection? In a word, what an Occasion is this for Triumph and Boasting to all *France*, to behold such a Haughty Nation stoop to her, and in such an Abyss of Humiliation: Can she after such propitious Auspices any longer doubt her obtaining the Universal Monarchy?

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Here we might put a Query to the *Spanish* Regency, who gave 'em Power to deliver up the Fortresses of the Realm into the hands of the Sworn Enemy of the Crown? If it were by Virtue of the Deceased King's Will, they should have staid till it was verifi'd, and admitted by the States of the Kingdom: and could those States admit or verifie it contrary to the Law which Excludes the whole House of *France* from the Succession? Or if this Will should be admitted as to the Institution of the Regency, tho' design'd for another Successor, what other Power does it give 'em, but to govern and preserve the Monarchy under the Minority of a Successor, or till he comes to be a Major? The Queen Mother of the Deceased King, finding her self press'd by *France* to enter into a Treaty with her upon her Pretensions after the Invasion of the Year 1667. prudently excus'd her self, by saying, That she could neither alienate or grant away any thing during the Minority of her Son, and therefore deferr'd the amicable accord which was to be made in that Affair till his Majority. But here they are so far from treating with *France*, that they put her into actual Possession of the whole: the Monarchy must perish to secure those who seek to ruin it, from the Publick Odium.

But that which more plainly discovers the Conspiracy is this, that it is said in the Will, That the Declar'd Successor ought not to be acknowledg'd for King, and put into actual Possession, till after he had Sworn to the Observation of the Laws, Statutes and Privileges of the Kingdoms. Now had the Duke of *Anjou* accomplish'd this Obligation, when the Regency plac'd him on the Throne, or if he did, to whom did he take the Oath? That which concerns the whole ought to be approv'd by the whole. The two *Philips* had all the Legislative

Power to treat, and Stipulate in the Treaties of Alliance and Peace, what was most convenient for their Kingdoms. And this Legislative Power incomparably much better grounded than that of *Robert*, the Son of *Hugh Capet*, had been in *France*, who of his own private Authority prefer'd his Youngest Son to the Crown, to the Prejudice of the Eldest, and contrary to the Settlement of *Hugh*, who had forbid the bequeathing away of the Crown, by leaving the Course of the Succession free to the Males, according to the Order of Primogeniture. The Law establish'd in the two Compacts requir'd no other Formality to render it for ever firm and stable between the two Crowns, but to be register'd in the Council of State; to the End that by the Universal and unanimous Concurrence of all the Parties, the Law might become Fundamental, as to the Succession.

Now these Heads of the Councils that reside at *Madrid*, and who are Members of the Regency, had they the Power of altering that Law, without consulting beforehand the States of the Kingdoms of which they are only the Proctors, so far are they from being their Plenipotentiary Representatives? Are not these the same States that have at all times, both in *Castile* and in *Arragon*, excluded the House of *France*, and the *French Nation*? What will become of the Regents then, when these States shall come to understand and publickly to abhor the Conspiracy of this Regency? What will become of 'em, I say, when the said States shall come to declare, that the whole House of *France* being excluded by the Law of the Compacts, can never be restor'd by any other means; that besides, the Law of the Councils does not only exclude them as Foreigners, but much more as entring by this Tyrannical Method which they have made use of to Force
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their Intrusion: that which has once pass'd into a Law ought to be inviolable, till it be repeal'd by another; that Things are not in their Primitive Liberty with respect to the House of *Austria*, seeing the Kingdoms are bound to Her in the Person of *Philip I.* and that the Law of the Compacts, and all the Settlements which are relative to it, were only made to Secure the Right of that Family: what has been once approv'd, can no longer be disapprov'd to the prejudice of a Third Person; more especially when that third Person is Independant, and has done nothing to merit Exclusion. By all those Arguments it appears, that the Deceased King could not bequeath it otherwise than in favour of his own Family, tho' the Will were not absolutely Null by all the other things that are said and proven against it: Perjury, Fraud and Violence could not give *France* any Right; and the States, as they are the Defenders of the Law, they cannot depart from a Law which they have authoriz'd in Conformity to the Fundamental Constitution, upon which depends the Safety of the Monarchy. This is doubtless what the States will say, if they are left at Liberty to speak their Minds. But the Regency have taken Care for that, by throwing themselves into the Arms of *France*; and she will soon find the way, either to make the States hold their Tongues, or abolish 'em, as she has done her own at Home.

France would have been contented for all her pretended Right of Devolution, with what she possess'd by her Arms, after the Invasion in the Year 1667. Her Ministers propos'd it in the Negociation of the Treaty, at *Aix la Chapelle*, yet the Council of *Spain* tho' at a Difficult Juncture would never enter into it, grounding their Refusal upon the Validity of the Covenants and Treaties: So that what *Spain* would not then allow in the lesser part, which way can she

be able to condescend to it now in the whole. Moreover, has not *France* plainly made it to appear by the Treaty of Partition, that she distrusted her own Title, since had it been so clear and manifest, as now she pretends it is, she would have taken Care not to admit the Arch-duke; 'tis contrary to her Style. How long then has this Right been unquestionable, if it be not since after the Will; and if this Will be absolutely and truly Null, as has been prov'd, what Title remains for her to build upon? But tho' this Will were Lawful, did not the Ministers of *France*, when they saw the Deceased King unalterable in his Resolution to conform himself to the Settlements of his Ancestors, publickly maintain, that tho' it would be for the Advantage of the Arch-duke, it would not give him a Greater Right than he had before? So that if in this uncertainty of the Event, she could make use of this Evasion against the House of *Austria*, which had an acquir'd and acknowledg'd Right, by how much the stronger reason may we now turn it against *France*, seeing *Spain* never acknowledg'd that she had any? *France* had no Right to the Succession before the Will, because she had renounc'd it; and the Deceased King could give her none, because the renounc'd Right was no longer at his Disposal. Besides, *France* who in the Treaty of Partition, call'd the House of *Austria* to the Succession, in Contradiction to her own Pretensions, hath thereby acknowledg'd the Right of that Family; and she that would have put all *Europe* in a Combustion to make good this Partition, with a design to force the House of *Austria* to consent to it, has thereby made it appear that she has no Right at all: The Widow in the Scripture, by consenting to divide the Child in dispute, shew'd that the Child was none of hers, and the true Mother that was willing to grant it alive and whole to her

her Enemy, rather than see it Murder'd by being divided, was discovered by her Maternal Compassion.

I make no doubt but *France* will loudly sound abroad those Publick Demonstrations of Joy which the *Spaniards* have made to appear upon the Reception of the Duke of *Anjou*: But what advantage can she reap from thence? *Spain* was just ready to fall into that Slavery which she always dreaded: she believes her self now to be past that Danger by his being admitted, and she looks upon it as a Happiness in comparison of a greater Mischief. A Man in a drowning Condition, will lay hold of a burning Iron; a City that is without defence, and a Ship that is ready to sink, look upon it as a Kindness to be admitted to Composition tho' in the hands of a *Barbarian*. But let *France* withdraw her Forces from the Frontiers of *Spain*, let her evacuate all those Places where she has put Garrisons, and let *Spain* have Forces in the Field able to counterbalance Hers, and then you shall see on which Side the Consent of the Nation will turn. Let us then suppose, that not only all *Spain*, but all the States of *Europe* should acknowledge the Duke of *Anjou*, what prejudice would this Acceptance and this Consent be to the Emperor? The Rights of Sovereigns would be but very ill secur'd, were they to depend upon the Capricio, Insurrection or Corruption of the People, and their Agreements with Neighbouring States. *Cromwell*, tho' proclaim'd Protector of the Crown of *England*, and acknowledg'd for such in *France*, was nevertheless accounted an Usurper. *Spain*, more Religious, always look'd upon him as such: and it may be also farther prov'd by the Sentiments of the most celebrated Divines and Lawyers, that a Right once acquir'd cannot be taken away but by the Consent of Him who is possess'd of it.

France and her Party leave no Stone unturn'd, to divert the Nation by a Thousand false Idea's, from the consideration of her Danger. They insinuate unto her, that it was neither *Spain*, nor any of her Dominions that they had any quarrel with for a whole Century together, but only with the House of *Austria*, whose Power they dreaded: that this Jealousie being now remov'd, *Spain* will have a Potent Allie of the Crown of *France*, and as much devoted to her Interest now, as she was formidable to Her before when she was an Enemy: that the House of *France*, tho' in two Branches, ought to have but one and the same Interest, as the House of *Austria* had but one under the preceding Reigns: that the Grandeur of the one will be the Grandeur of the other, and that acting Both by concert, it will be Easie not only to reunite to the Crown of *Spain* what has been dismember'd from it; but also to render her formidable to all her Neighbours. Who doubts, but that to flatter their Ambition with greater Idea's, they may set before 'em the Example of *Theodosius* the Great, in the Partition of the *Roman* Empire between his two Sons, as a Pattern to be follow'd by King *Lewis* the Great: and who doubts but they may afterwards insinuate the Necessity of Uniting the two Monarchies in order to form one Empire, by leaving to *Spain* a separate Government, and changing the Title of King into that of *Cesar*, according to the Practice of the First Emperours toward their Sons, Brothers or Nephews, when they made 'em their Associates in the Empire. Every thing will be in Season so long as they only act to save them from the Reproach of Servitude: and there are many People that will still fall in with it, some to make themselves amends, by this false Shadow, for the loss of the Substance: Others, out of a Satisfaction to see the People, who had freed them-

themselves from their Yoke, run the same Destiny ; and the Greatest part, because of their being necessitated to bear a Yoke patiently, which they could not avoid.

But that which will contribute most to give a Reputation to their Servitude, will be the Motive of Religion, which *France* has already improv'd so, as to fill the Heads of the Clergy with it. It will not be enough to set before *Spain* the Extirpation of Heresie, as the Principal Object of the most Christian King's and the Duke of *Anjou's* Piety : the Emperor's Confederates, as *England*, the United Provinces, and the Princes of the Empire, shall be Hereticks for the most part ; and that will be sufficient to arm against 'em all the Preachers, and all the Ministers of the Inquisition : nay, it will be a wonder if the Emperor upon this occasion be not reckon'd a Heretick too. *Charles V.* who made War against 'em all his Reign, and dy'd a Pious Catholick, could not avoid the Suspicion of being a Heretick, after his Death, upon a more frivolous pretext : and we know how far that ridiculous Prepossession of the People of *Spain* prevails in matter of Heresie. Thus woe be to him that shall become suspected to the Government, and still more woe to him that shall presume to open his Lips in defence of the Emperor's Right and the Publick Liberty. For if he be so happy as to avoid the Persecutions of the Court as a Rebel, he will not be able to escape the Persecutions of the Inquisition as a Heretick, or else as being accus'd of some more enormous Crime. A Government such as this will do any thing to establish it self.

But can *Spain* set before her Eyes the danger with which she is threaten'd under the Duke of *Anjou*, and not Murmur : a Prince who signalizes himself at the Beginning of his Reign by the Destruction of the

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the Monarchy; who delivers up his Separate Dominions which are the strongest Barriers against his Sworn Enemy, and in a word, who Reigns only by the Direction and for the Interest of *France*? Let the *Spaniards* answer me if they can; for whom shall all those Conquests be achiev'd, with which *France* allures 'em, but for her self alone? And when she has made use of their Fortresses and their Forces to oppress those Powers that so generously assisted 'em in the late War, and may still assist 'em to throw off their Yoke, what favour can they expect but that of *Polyphemus*? Then let 'em undeceive themselves: if *France* has a Mind to form an Empire, it must be out of the Wrecks of the *Spanish* Monarchy: *Spain* and the Low-Countries are Contiguous to her: the States of *Italy* may be so in a little time: and thus all the Steps which she shall make forward, or on either hand, will of necessity bring her upon their Dominions. They have seen the Prelude to it in all the preceding Wars, and more lately in the Treaty of Partition; so that if she has slacken'd her pace in the Pursuit, by reason of the Admission of the Duke of *Anjou*, it is because she assures her self of the whole, with less Noise and Contradiction. Can the new King follow any other Sentiments than those which shall be dictated to him by his *French* Minister; or can he himself dictate any Others than such as shall be suggested to Him by *France*, for her particular Convenience? In this there is no Medium; the World cannot suffer two Suns; the Setting Sun of *Spain* must of Necessity be eclips'd by the Rising Sun of *France*.

As to the Motive of Religion, what likelihood is there that the *Spaniards* who have any Sense should be deluded by it: they who know that *France* has never ceas'd to foment Heresie, since the first Growth of it, in all parts of *Europe*: that she has caus'd the
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Establishment of it every where in the Places where she prevails, and if she extirpated it at home, it was partly out of Revenge; because *England, Holland* and the Protestant Princes of *Germany*, declar'd against her in favour of *Spain*; and partly to render the Royal Authority more Absolute within the Realm? But what Principle of Religion can they suppose in a Crown that ever since the Reign of *Francis the First*, has continually excited the *Turk* against Christendom; who brought him upon the Coasts of *Italy* to ravage their Territories; who has always arm'd him against the Emperors, and during the last Rupture assisted him so openly, and with more Barbarity than was ever observ'd in that cruel Enemy? These Truths are so well known, that a Man must have lost his Senses that flatters himself with the Hopes of any better Treatment from her, unless her own Conveniency render it necessary to her for a Time.

What has *Spain* to hope for then from this change, unless it be to see *France* domineering in her Country under the Auspices of her new King; the *French* Masters of all their Great Posts of the Government, of her Trade, and of all the Riches of the Kingdom; and in the last place, she must look for the ruin of her Monarchy, which *France* begins already to dismember by piece meals, and to add it by degrees to her Crown? Thus it was that the Frogs being weary of a too Indulgent King, desir'd a Stork that devour'd 'em. The natural Goodness of the Kings of the House of *Austria* has render'd 'em contemptible to a *French* Party that needs would have a Master, and one of the House of *Bourbon*. *Jotham* in Sacred Scripture foretold the same Destiny to the Inhabitants of the City of *Sichem*, and that by a Parable which can never be better apply'd than to the *Spaniards*. The Trees, said he, would needs have a King,

King, and finding that the Olive, the Figtree, and the Vine had refus'd 'em, they begg'd of the Bramble to Reign over 'em : The Bramble accepted the Offer, and invited 'em to repose under his Shadow, but with this Menace, That if they refus'd, he would send forth a flame from his Tree that should consume the Cedars of *Lebanon*. *Spain*, partly out of Despair, partly by Conspiracy, has done that which the Trees did only out of a Despiteful Humour. The Bramble shall reign there, but he will be obey'd; if not, he will send forth Fire and consume them, as he has already attempted to do to a great part of *Germany*.

'Tis in vain for the *Spaniards* to flatter themselves that after the Death of the K. the Union between the Brothers will cease, and that the same Animosities may happen between their Posterity as have been formerly in *France* between Princes of the Royal Family : a Revolution which might turn to the Advantage of their Crown. 'Tis for this reason that some *Spanish* Ministers thought the Mischief of Admitting the Duke of *Anjou* to be repairable, being deluded first themselves, and then seeking to delude others. It would be to no purpose to go about to undeceive these Ministers; because it is to be suppos'd, that they have recover'd themselves by observing the Measures that *France* has already taken to prevent those Quarrels. If the most Christian King accepted the Will in the Answer which he gave the Regency, 'twas in favour of his Grandchildren, and not otherwise : he thereby Supports the Dauphin and the Duke of *Burgundy's* Rights as uncontrollable. Whence it follows, that whether the Posterity of these Princes happen to fail or to come to the Crown, there will be always found Materials to justify the Right of the Eldest; without Prejudice however to the meaning and Terms of the Cession, as in the Memorial presented to the States
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of *Holland*; and reserving a Liberty to make use of any other litigious Plea. The Kings of *France* are always *Minors*, when they are to grant away or alienate, and always *Majors* when they are to take or retain. They will prove by the Authority of the *French* Law, that the Succession is due to the Dauphin, or to his Eldest Son; that the Laws of the Kingdom, the Law of Nations, the Customs, and particularly the Laws of *Castile* are expressly in favour of the Eldest: that the Deceased King Himself in his Will has acknowledg'd the Invalidity of the Pacts and Renunciations; and that his Explanation is nothing better, as being contrary to the Laws themselves; and so, that the Duke of *Burgundy* being a *Minor*, and under the Tutelage of the King his Grandfather, He, and all the Kings descended from him, have Right to relieve themselves against any Agreement made to their Prejudice.

I omit the Case where *France* may introduce the pretended Salique Law, and the Right of Reunion, as having Discours'd of it in another place. To conclude in a Word, I will suppose the Thing as bad as may be. Let us suppose then, that the whole Royal Family happens to be extinguish'd, which is not to be presum'd, and that the Crown should come to pass to a Foreign Family; will there not be in this Case the Rights of the Crown, which to speak after the Mode of *France*, are without the compass of Prescription and inalienable; their Kings can't acquire any thing to which the Crown has not the Right of Reversion; are they not all, together with the Princes of their Blood Born Stewards to this Crown to extend and raise it, till it come to Cover all the Universe with its Shadow? The Pretensions of *France* to the Empire from the Time of *Charlemaign* are sufficient ground for her Pretensions Now; and if that will not do, she has in Reserve the
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Right of Primogeniture in the Posterity of *Japhet*, who Settld his Pretensions over all *Europe*? *Spain* is to be pittied in this Cruel Conjunction, and her Destiny is so much the more deplorable, because the remedy appears as dangerous as the Disease, seeing the Corrupted Party which prevails there conspires with *France* to render it uncurable.

But you Brave *Spaniards* who formerly chose rather to expose your selves to a Domestick War or Six Hundred Years with the *Moors*, and to live Miserable in the *Streights* of your Mountains, than to submit your selves to the Domination of the *French*, tho' under a Pious and Holy Emperor; and who out of a just Precaution never would permit that any Prince of the House or Nation of *France* should Reign over Ye: You, I say, who have Signaliz'd your selves by so many Victories and Conquests both in this and the other World; who have made *France* tremble so many times under *Charles V.* and *Philip II.* Lastly, you who see your selves deliver'd up to *France* by the Villany and Treachery of a few of your Countrymen, will you suffer this Hostile Crown to give you Laws, and deprive the Family of your Kings of their Inheritance? What is become of the Honor of the Nation, the Interest of the Country, and the Glory of the Crown? Think you to be more happy under a *French* Prince, than the *Neapolitans* and *Sicilians*? and if they could not endure the Yoke, do you believe it will prove less weightier or less tyrannical to you. This National Hatred will it relent in Compassion of your Miseries? or rather are you not apprehensive, that *France* still looking on you as Mortal Enemies, will redouble your Chains to strengthen her Usurpation? You have experienc'd her Cruelty in the Desolation of your Provinces, her breach of Faith in all her Treaties with your Kings, and her constant

stant Enmity in the midst of the most Strict and Sacred Alliances : Can you expect then that she should change her Genius and her Maxims for your Sakes alone ? and if the Confederacy of the Catholics of *France* with your Nation, grounded as it was upon the Necessity of your Alliance, in favour of Religion, could be thought by the *French* to be a heinous Piece of Treachery, and a manifest Conspiracy against the State, what ground of Insolence and Vanity will it be for them to see you creep and cringe before 'em, and to look upon you as reduc'd to a Province ? Lastly, to conclude in the same terms which they have made use of against you, * Can your Enemies upbraid ye with any thing more base and unworthy than that with which at this Day your Allies charge you, to be degenerated from *Spaniards* into *French*, or to speak more properly, from Masters, as you were, of so many Nations, to be the abject Slaves of *France*.

* *Et quid gravius hodie hostis habet, quod fœderatis exprobrat, quam quod ex Gallis in Hispanos degeneravimus ?*

C H A P. VII.

That the Admission of the Duke of Anjou to the Crown of Spain, settles the Universal Monarchy in the House of Bourbon.

I Have enlarg'd my self so much in the Preceding Chapters, that of Necessity it behoves me to be the shorter in this, to satisfy the earnest Desire of those who long to see this Second Part.

There appear'd under the Reign of *Lewis XIII.* a printed Pamphlet, which pass'd for a Decree of the College of *Sorbonne*; wherein it was asserted, That when a neighbouring Prince began to grow Great, it was Reason sufficient to make a just War upon him. This pernicious Doctrine was at first oppos'd by several other Prints, and Replies came forth in Justification of it. But because several People of Worth could not be convinc'd, that such a celebrated College ever advanc'd such a Thesis, some time after Books appear'd, which not only affirm'd it to be theirs, but also undertook to Prove to the ignorant that it was conformable to the Dictates of Nature. This was at a time, when *France* was at work, to set all *Europe* against the House of *Austria*; and when it concern'd her to justify the strict Alliances which she had made with the *Turk* and the Protestant States, to bring down the Power, of the House of *Austria*. Now if *France* could introduce a Maxim so Unjust and Scandalous, to raise up Enemies against a House, which not only never usurp'd upon her Neighbours, but is at this day become a Victim to the Protection which she has always given 'em; with how much more reason is the said Maxim now to be turn'd upon her, considering her present Grandeur,

Grandeur, and the Methods she has taken for these two Ages together, to arrive at a Power to make all *Europe* tremble.

This is not so much the Emperor's Cause, as that of all Sovereign States: the Publick Security can be no way settled but by the Faith of Treaties: and if this means once ceases in humane Societie, what defence will remain to oppose the Ambition of those that are strongest? *France* has been treated with five times under this Reign; and the five Treatys have only serv'd to put her into a better condition to usurp: the more was granted her, the more she demanded. If they granted her advanced Towns, she demanded the Country adjoining; and they had no sooner granted her that Country, but by a new Rupture she made her self mistress of the Next. After this manner, by making a shameful Traffick of Treatys, Alliances and Peace, and appropriating every thing to her Ambition, she at length arriv'd at that Prodigious Height we see her in at present.

The *Romans* were five hundred years before they subdued all *Italy*; but then, they were not above half the time before they became Masters of the Universe. In like manner *France* has been five hundred years, that is to say from *Hugh Capet* to *Charles VIII.* incorporating to her Crown all the Sovereignities that were within her circuit; and no sooner had she attain'd to it, but she began to encroach upon her Neighbours. In short, *Charles VIII.* pass'd the *Alps*, pillag'd one part of *Italy* in his march, and made himself Master of the Kingdom of *Naples*; and might have kept it, if his own Excesses and the Debaucheries of his Forces had not arm'd the People and all the Continent of *Italy* against him.

France was stopp'd in her career by the House of *Austria* under *Charles V.* and *Philip II.* but having

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found the way to arm against their Successors all the neighbouring Princes, by tempting 'em with a share of their Spoils, she has arriv'd to that Power in this Reign, not only to bring down the Principal Branch of the *Austrian* Family, but to make her self Mistress of all the Dominions of *Spain*, under the Name of the Duke of *Anjou*. The 200 Years are not yet accomplish'd since the Conquest of the Kingdom of *Naples* under *Charles VIII.* there are six or seven Years to come ; and this Crown will want no more, if she be not vigorously oppos'd to bring within as little time as the *Romans* did the Principal States of *Europe* under her dependance. A thousand Fatal Examples have taught us the Pernicious Maxims of the *French* Government, the most hidden Springs of it have been discover'd ; and we have seen it superior to that of all the Neighbouring States : We have found her as formidable in her Forces and her Funds, as in her Government and Situation : and there is enough if we consider them jointly to alarm all *Europe*. It has been also observ'd that since the good success of the Intrigues and Usurpations of this Crown, which have acquir'd her the Superiority over her neighbouring States, she has observ'd neither Form or Méasure in her Enterprises, and that her Invasions have been equal in Cruelty and Desolation, to those of the most barbarous Nations. From whence we may infer, that if she be let alone any longer, there will be no other Peace to be expected from her, but such as is to be purchas'd with the Price of Liberty, or such as follows a General Desolation. In a word, we have seen in Epitome whatever may be seen at large, and there has been nothing left undone that could be done. The common Danger has twice united against her those Countries that lay most expos'd ; and they have had Forces on foot more than sufficient to bring her to Reason.

Reason. But in regard that the most Powerful Leagues never do half of what they are able to do, by reason of that disagreement among them, which is unavoidable; *France* has still brought her self off with advantage. In her very Negotiations of Peace she has always had the Art to embroil her Enemies; while every one desirous to have the Conditions to their advantage. and *France* having the Choice of them, she sets up for an Arbitratrix, and by that means deceives 'em all one after another. After this manner, by sowing discord among her Enemies as well in Peace as in War, and keeping her self always in Arms, she is enabled to exercise open Roberies in full Peace over all the Neighbouring States.

'Twas after a mature Reflexion upon this System of *France*, considered in reference to that of the Neighbouring States, that a * Modern Author, following the Sentiments of *Polybius* in his judgment of the Republicks of the *Greeks* compared with that of *Rome*, made no scruple to conclude, that if the States of *Europe* did not quickly alter their Conduct and their Maxims, they could not avoid falling one after another under the Domination of *France*. This Author wrote three years before the Treaty of *Ryswick*, and with a Design that the Errors of that of *Nimeghen* might be avoided, which has been so fatal in the Consequences of it. But if he thought the Danger unavoidable, when the principal Potentates of *Europe* were at War with *France*, what would he have said, after he had seen that that Crown had not only preserved her Advantages by that War, but also that she did not make Peace, but on condition that the Monarchy of *Spain* should be the Victim of it? Without question he would have been

surpriz'd: and indeed who could but have admir'd, to see that a Crown which had formerly so much ado to support her self against the *English*; which has since that time begged the Assistance of all *Europe* and of the *Turks* themselves against the House of *Austria*, and to which the *German* Empire has been so long formidable, should be arriv'd at such a Degree of Height, as to insult over those three Potentates all at once, and to support her self against 'em all, come off most frequently victorious, and never be shaken? Who would not have wonder'd, I say, to see that *France* should raise her self, and for ten years together keep on foot Four hundred thousand Men, as many or more than the three Potentates and their Allies could bring into the Field; that by her Armies she could win Signal Victories in *Italy* and the Low Countrys, force the Strongest Towns in view of her Enemies rang'd in Battel, and in all parts make the Seat of the War in the Enemies Country; that she could not only preserve her Superiority by Land, but also by her Fleets dispute the Empire of the Sea with the *English* and *Dutch*, that were in possession of it, and who had lately disputed it between themselves, and had impoverish'd them by taking as many or more Vessels from them than they took from her? Lastly, who could have believ'd, that that Crown could be in a Condition any longer to defray the Expences of a War which all those Potentates waged against her; and that after she had wearied and exhausted 'em, she should dictate a Peace to 'em, of which the Ruin of her Rivaless was to be the Prize?

I know not what that Author would have said to all this; but after he had seen his Conjecture half verified by so many great Events, what would he have said now, if he saw *France* in possession of the *Spanish* Monarchy, her Forces already upon the Fron-

Frontiers of the United Provinces, the Empire still full of Divisions, and her Members the most expos'd, decoy'd into a Neutrality? I am sure he would not say a word, but resigning himself to the Will of God, he would look upon this giddy and fluctuating Humour of the Empire as an assur'd Presage of her Ruin.

A Man would think that *France* has a secret Charm to confound the Councils of her Neighbours, and to turn 'em to their own Destruction: They that listen to her are half vanquish'd, her Reasons are armed; and they that would be ashamed to yield to Force, find a way to flatter themselves by surrendering to her Sophisms: 'Tis by this means that she triumphs in all her Contests; she takes, and afterwards disputes; every thing is disputable when she has only a mind to dispute; and Possession in a formidable Enemy is always a strong presumption of Right. Lastly, if others arm, she desires Peace; if they disarm, she makes War, and gets by it: We are still desiring Peace with her, and still we purchase it; so that what with desiring Peace, and what with purchasing it, we have no ground any longer to hope for any.

If we would not be always at War with *France*, and if we can find no Peace in Treaties, what is there that remains to be done, but to venture the Whole for the Whole, in order to restore the Balance in the House of *Austria*? There is a necessity of a Power to counterbalance that of *France*, and it must be in a Situation, and with Maxims opposite to those of that Crown, as well to ward off her Attacks, as to secure by an inviolable sincerity the Repose and Tranquillity of *Europe*. These Advantages cannot be met with but in the House of *Austria*, by causing her to reign in her two Branches in all places where she has a Right to it. We meet not in that August House either with breaking of Leagues, Insults or

Usurpations: She is not acquainted with those Intrigues and Briberies that lay all Nations and Countries in ruin. If she has aggrandiz'd her self, it was by legitimate and not by extorted Successions. If she was victorious under *Charles V.* and *Philip II.* she contented her self with the Honour of having vanquish'd; and far from making the best of the Advantage of her Arms to oppress her Neighbours, she always turn'd 'em to their Protection; there is not one of 'em who does not find himself at this day gratified with some Portion of her Inheritance. If we pass to the merit of her Cause, 'tis Justice, 'tis the Publick Interest, 'tis the Obligation of all preceding Treaties: The *Pyrenean* Treaty assur'd her Right; the *VIIIth* Article of the Treaty of *Aix la Chapelle* confirms that of the *Pyrenees*; the *XXVIth* Article of that of *Nimeghen* confirms both the other two; and the Treaty of *Ryswick* has for its Foundation that of *Nimeghen*, and by consequence confirms the two former. Lastly, tho there were nothing else but the natural Goodness and Piety of this August Family, the enormous Injustice of the last Attempt of *France*, and the fatal Consequences which result from so pernicious an Example, there needed no more to interest all *Europe* in the defence of it.

It looks as if Divine Providence, by giving us in this conjuncture a Pope so wise, so pious, and so clear-sighted, would provide for the Defence of his Church against all the Enterprizes of *France*. He has hitherto with an undaunted Courage withstood all her Threats, and shew'd himself immovable against all her Artifices; he regulates his Conduct by the Rules of Justice and Piety, and so there is no doubt, but as a common Father, he will make use of all convenient Expedients to oblige that Crown to desist from her Usurpations. Without question he may have read
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in a printed Piece translated from the *Spanish*, which appear'd upon the Subject of the Treaty of Partition, the pernicious Consequences that would redound to *Italy*, and the Holy See in particular, if the Kingdoms of *Naples* and *Sicily*, and the State of *Milan* should fall under the Domination of *France*: He may have read, I say, if such a thing should happen, that the Popes would soon be reduc'd to be no more than Chaplains of Honour to the most Christian King; that is, Liberty of Elections in Conclaves would be extinguish'd; that the *Tiara* would become hereditary to the *French* Nation; that upon the first disgust against a Pope, they would as easily seize upon the State of the Church, as they seiz'd upon the Country of *Avignon* under Pope *Innocent XI.* These Consequences and several others, which I omit, to avoid Repetitions, doubtless must have touch'd him; and the case of the Admission still fortifies 'em more and more, seeing the Duke of *Anjou* will but only lend his Name to *France* in order to set up her Reign in all the separate Dominions, as we have already seen by the Example of the *Milanese*, and that *Spain* will also be under her dependance; whereas according to the projected Partition, it was to have belonged to the Arch-Duke.

As to the pretence of Religion, which *France* will make her best Advantage of, the Holy Father is too well inform'd of the System of *Europe*, not to see that Religion has nothing to do in this Affair, but that the sole dispute is about rendring to *Cesar* the things that are *Cesar's*: That the Protestant States join in the Common Cause for no other reason than only to reestablish the Peace and Tranquillity of *Europe*, which *France* continually troubles by her Breach of Leagues, and her perpetual Invasions: That it is also the Cause of the Holy

See, which has suffer'd more in her Authority from *France* within these fifty years, than it has suffered from all the Protestant States together during the same time. Lastly, that it is no design to strengthen the Protestant Party, but to restore the House of *Austria*, which is most Pious and Catholick, to her antient Inheritance, that she may be in a better condition to resist the Efforts of *France* and of the *Ottoman* Empire, whose Confederacy and Maxims have been so pernicious to all *Christendom* for near these two Centuries; and which have been such in the last War, as if those two Potentates had laid Wagers who should signalize themselves most in matter of Barbarism and Impiety, in order to the laying waste of the Empire, and sharing it between 'em.

To pass from hence to the Interest of all the Princes of *Italy* in the present Conjuncture: The Author of the printed Piece, already mention'd, has so well handled it, that it would be superfluous to insist any further upon it. I shall only add here, upon occasion of the Duke of *Savoy*, that if that Prince hopes to make any advantage by his Union with *France*, he is extremely deceiv'd; nor do I need any other Proof but the Testimony of his Ancestors and his own. He may have read in the Histories of his House, that if *France* were kind to his Predecessors, 'twas only to oppose 'em against the House of *Austria*, so long as she kept the *Equilibrium* of *Europe*; and that tho *France* were kind to 'em, 'twas always upon condition that her Alliances with 'em should rather serve to keep 'em dependent upon her, than to aggrandize 'em. We have seen an effect of it in the Pretensions which Duke *Victor Amadeus* made to the *Low-Countries*, upon the account of the Infanta *Katherine* his Mother, Sister of the Infanta *Isabella*, to whom *Philip* the Second their Father had granted 'em, and who left no Issue: For
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not content to stipulate the Reversibility of the same Countries to the Crown of *Spain*, in the fifth Article of the Contract of Marriage with Queen *Ann* of *Austria*, he suffer'd the Duke's Pretensions to be condemn'd by a * Decree of the Parliament of *Paris*, to deprive him of his Right of Prosecution. Moreover, the same Prince had married *Christina* of *France*, Sister to *Lewis XIII.* the Alliance could not be more strict between two Families; nevertheless it was not only prejudicial to the Pretension beforemention'd, but it cost him moreover the loss of *Pignerol*, which he was compell'd to sacrifice to the Ambition of *France*.

There is no right of Conquest for those Princes and States that are Neighbours to *France*; they are too happy, if that Crown leaves 'em the Right of their own Preservation. The only way to be quiet from her Invasions, is to be in Alliance with her; and the only way to be admitted to that, is by some considerable Resignation: her Vexations multiply as her Power encreases, and Resignations must multiply as fast: By these Methods she puts her self in Possession of every thing. *Lorain* was formerly a principality, as flourishing, and of as large an extent as that of the Duke of *Savoy*; but because it was to serve *France* as a Ladder to climb up to more distant Conquests, the Dukes of that Country have been tormented with so many Fines and Forfeitures in the last Century, that the continual necessity of redeeming themselves by Resignations has reduc'd the Country to a mere Skeleton of that Body which it form'd before: her strong Holds are ras'd, or in the hands of *France*, their whole Country mangl'd by the relinquishing of Lands, and the Duke reduc'd to the necessity of receiving Laws from the

* Spond. in Auctario Tom. 2.

Intendants of *Metz*. I might add to this Example, that of all the other adjoining States, which this Crown has been continually mining by Treaties of Peace and Ruptures of Leagues. But in regard that this which follows is more personal, and concerns the Situation of the Dukes of *Savoy*, it may suffice for all the rest. The *Milanese* and both *Sicilies* being in the hands of *France* under the Name of *Spain*, give her an acquir'd Right over those Dominions, they are necessary to her for Communication: Titles to usurp 'em will not be wanting upon occasion. The unworthy Treatment that this Prince met with from *France* during his Minority, and in pursuance of the strongest Alliances he had with her, are enough to make him understand, that he is not in a better condition than the Dukes of *Lorain*: 'Twas by means of the *Equilibrium* between the House of *Austria* and *France*, that his Ancestors preserv'd their Dominions: So that there is no Prince in *Italy* more concern'd than he to fix himself in his Possession.

As for the Republick of *Venice*, she has sufficiently found that the Neighbourhood of the House of *Austria* is neither ensnaring nor turbulent; she has experienc'd it for near these two Centuries; and far from having lost, she has gain'd by it. On the other side, the Neighbourhood of *France* prov'd so fatal to her in that small number of years that *Lewis XII.* enjoy'd *Milan*, that he reduc'd her to greater Extremities than any other War, even that of the *Turks*, ever did. A Consideration so powerful with that wise Republick, that tho the vast Power of the House of *Austria* under the Emperor *Charles V.* might have given her just grounds of Jealousy, she would never lend her Ear to any Proposition of *Francis I.* Successor to *Lewis XII.* Now if that Republick judg'd the Neighbourhood of *France*, as feeble as then it was, more dangerous than that of the House of
Austria

Austria in the highest degree of her Elevation, how cautious ought she to be to avoid it at present, that the Admission of the Duke of *Anjou* renders her Arbitratrix of the Destiny of *Italy*, and absolute Mistress of the *Mediterranean*? What I say of the Republick of *Venice*, ought to be equally understood of all the rest of the Princes and States of *Italy*. The Dutchy of *Milan* being at the disposal of the Crown of *France*, what Security can they have against her Invasions in time of War, and against her Extortions in time of Peace? There needs no more but to establish a Chamber of Reunion at *Milan*, to arrogate to her self a Right over all *Lombardy*. We cannot better judg of what she will do than by what she has done: She may make out other Pretences to usurp, but she will be always uniform in her Usurpations.

It would be to no purpose to speak here of the State of *Milan*; and as for the two *Sicilies*, the first already labours under the Domination of *France*; and if it be so burdensom at a time when she is so cautious of discovering her self but under the deceitful Cover of Protection, what will she do when this Mask being thrown away, in a peaceable Possession, she shall come to display the full Extent of her Arbitrary Power? As for the Kingdoms of *Naples* and *Sicily*, there needs no more than to refer 'em to their own History: They have had Kings and Queens of the House of *France*; their Extortions, their Debaucheries, and Cruelties were at all times insupportable to 'em. But there will be this difference, that whereas they were succour'd by *Spain* under the last, 'twill be *Spain* at present which will conspire with *France* to aggravate the Burden of their Chains, in order to prevent a second *Vespers*: None but the Emperor or the *Turk* can redeem 'em from the Slavery with which they are threaten'd, and they have the liberty to choose which part they please.

I know not whether I ought to speak of the Empire in this place ; offensive Truth exasperates, but never amends ; they dispute about Prerogatives, *France* becomes Judg of the Dispute, and her Arbitration turns only to the ruin of the Empire : this is evident, this is demonstrated, but Passion in the two Parties renders the Accommodation more difficult. For one Elector more or less, the Imperial Dignity must be in danger of being made hereditary to the House of *Bourbon*. That the Crown of *France* should be able to seduce *Germany* under the Title of Protectress of her Liberty ; this was an Experiment they thought fit to make, and they came off with the loss of *Alsatia*, *Brisack* and *Philipsburg*, and they might be glad they were undeceiv'd at so cheap a rate. But that *France* should never cease since that time to pillage the Empire, and usurp upon it, that being become more bold and hardy through the Impunities of her first Attempts, she should go about to share it with the *Turk*, whom she had prevail'd with to break Truce with the Emperor, while she kept the Empire invested, to distract his Forces ; and that in order to assist the Arms of the *Turk* by a stronger Diversion, she should encourage her Forces in all manner of Cruelty and Devastation in the Invasion in 1688. what could she have done more to discover her Designs ? That afterwards this Crown, already Mistress of almost a fourth part of the Empire, and from her advanced Posts ready every hour to penetrate even to the Center, should have put the whole Monarchy of *Spain* under her Dependency ; that she should be in actual possession of the Catholick *Low-Countries* and *Milanese*, and upon the point of compleating the Conquest of what remains to the Empire beyond the *Rhine* ; that to put the Emperor out of a condition to demand the Crown of *Spain*, wherein the Empire has always found so great Support, she should squander away

away her Treasure in the North, intrigue at the *Ottoman* Port, and hire Rebels to stir up Enemies against the Emperor on all sides: that at a time, I say, when the Empire was never nearer to ruin, *France* should be so fortunate as to allure the most expos'd Members of it into a Lethargic Neutrality, when it behoves 'em to unite all their Forces with the Emperor's; all this is what I cannot conceive: Either Divine Providence has a hand in it for Ends unknown to us, or else *France* has got *Circe's* Wand.

But that they may be undeceiv'd, a Pope declar'd a King of *France* Emperor, in acknowledgment of his Succours, and the Title held good: Another Pope prest by a King of *France* become Master of *Spain* and *Italy*, will do of Necessity what the other did out of Gratitude; and the Title defended by Power, will be accounted lawful: Royal Dignity will be too common for so spacious a Monarchy: So many Kingdoms and Sovereign States united to her Crown will be worth the Title of an Emperor: And if *Francis* I. would assume the Title in *Germany*, having *Charles* V. for his Competitor, what will not *Lewis* XIV. or the *Dauphin* do when they have no Rival? And what will be the Issue then, when this Emperor shall come to dispute the Title with the *German* Nation, already Master of one part, and arm'd with Forces to subdue the rest, when it shall be attack'd in Flank and Rear by the *Turk*, or some Northern Potentate? What will be the Issue, I say, when he shall come to challenge all the States that compose it, as parts of the Succession of *Charlemaign*, of which he and his Predecessors have already declar'd themselves Heirs: Those Parts, which of bare Governments were converted into Proprieties, and from Proprieties into Regal Principalities, could they change their Nature in prejudice of his Rights, which, as the Lawyers say, are without the reach of

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Prescription, and inalienable? Whither will she not extend her *Annexes* and *Dependencies*? Whither will she not stretch the antient Rights of the Emperors, and the Empire? She will have doubtless some pretence or other to carry her triumphant through the most remote Parts of *Europe*.

It were to be wish'd that all the Princes and States of the *Empire* would seriously reflect upon the Consequences of such a Revolution which must turn to their loss, and which threatens them soon: it behoves 'em to consider that in an Hereditary Empire there will be no more Colleges nor Diets nor Chapters. On the contrary, they will be look'd upon as a Criminal Attempt upon the Imperial Dignity; so that under a *French* Emperor every thing must submit to the Yoke of Arbitrary Power. It behoves 'em to consider that this confused mixture of great and little States, as it were inlaid one within another, will not be able to subsist under a form of Government so dishevel'd and loose; that they are too much disunited by their particular Interests, and too disproportion'd among themselves to make every one a separate Sovereignty: and therefore there must be one body of a State to contain and unite 'em, and one Head to this Body, who may take care that Justice and the Law may reign among 'em. Now it is certain that without this Subordination, which requires more authority in the Head and more dependency in the Members we shall soon see a Desolation, which *France* alone will make her boast of. The Great ones will oppress the Little ones; they will fight one among another for Liberty, and *France* will be the Vultur that will gain by the Quarrel: and by this means it is, that all Aristocratical States are ruin'd: for this reason there must be an Emperor in *Germany*, and he must be elective according to the present Constitution. If not, they will never be able to
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avoid the receiving of an Emperor hereditary and absolute in the King of *France*.

It would be to no purpose for me to enlarge in this place upon the Interest of *England*, the *United Provinces*, *Portugal*, and the *Helvetian* Body; there is not one of these but sees their Ruin inevitable by the Admission of the Duke of *Anjou*: there is nothing done with respect to them, but only to gain Time. 'Tis true, *England* and *Holland* are entered into a Negotiation with *France*, and that already some Proposals of Accommodation are made. But tho' *France* should grant 'em whatever they desired for their Security, which is not to be presum'd, what Security is there against her Power and her want of Faith? *France* design'd to have turn'd all her Forces against the *United Provinces*, because she thought them disarm'd, and without Succour: But the march of the Emperor's Forces towards *Italy*, the vigorous Resolutions of the Parliament of *England*, and the particular Preparations of the Empire have discomposed her Designs: She is still sensible of the Efforts of the last War; and the Party may perhaps be too strong for her. There is this further, the Duke of *Anjou* is not yet settled in *Spain*; the Government cannot be established in so short a time upon *French* Foundations, and the Fears of the *Spaniards* coming to cease by means of a strong Diversion, the Mystery of the supposed Will may break out: Besides, the States of *Italy* and the *Low-Countries*, which lie most for her Conveniency, may escape her by a War, but Peace secures them to her. What will this Crown do then? She will have recourse to her old Artifices; she proposes Accommodations, and they listen to her.

Whatever steps these Potentates may make, I cannot persuade my self, that after they have experienced on so many occasions the Falshood and want of Sincerity in *France*, and that so very lately too, that they can fall again into her Snares: They are arm'd: The Empire, whom their Danger has awaken'd, begins to take the Alarm against *France*; and the Emperor coming to join a Body of his Forces to their Preparations, there will be sufficient to render the Party equal, and it may be superior. Moreover, supposing these Potentates shall gain some time by a Treaty, who shall hinder *France* from breaking it, so soon as she shall be confirm'd in all the Dominions of the Crown of *Spain*; and who will then be Surety to 'em, that she will not again distinguish between the Meaning and the Terms of the Treaty? For what will it cost her to declare to the *United Provinces*, that the Meaning and the Terms were united as long as the Monarchy of *Spain* was in dispute; but that the peaceable Possession of the Duke of *Anjou* makes such a difference between 'em, that the adhering to the Terms would destroy the meaning of the Treaty? 'Tis requisite then to follow
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the Meaning; and what will this Meaning be, but forthwith to surrender back to the Duke of *Anjou* the Places of Security which they shall have in their hands, and by submitting to his Obedience, to merit from him the same marks of Honour which they have receiv'd from his Predecessors? We are beholden to the good fortune of *France* for this new mode of explaining Treaties. 'Tis pity that instead of amusing her self with trifling Pleas upon the Rights of Devolution and Reunion, and false Interpretations of some ambiguous Terms, she did not satisfy us at first with this Distinction; we had then known a long time ago what to trust to: But so rare a Production requir'd time to ripen it, and when ever it appears, 'tis much too soon.

Let *England* and *Holland* take their measures in this Particular: If *France* become predominant in *Spain* and *Italy*, she will begin with the *United Provinces*, or the Empire: 'Tis requisite she should have her Conquests linked together in a Chain; or rather there ought to be a Nourishment to feed this Fire, which if it meet not with Fewel abroad, will consume them at home: *France* cannot disarm without becoming a Prey to her own Soldiers; and this Necessity it is that will be always the Misfortune of her Neighbours so long as she shall have any.

'Twould be in vain to flatter our selves with Domestick Revolutions, the source of 'em is dried up by the Overthrow of the Grandees, by the Uniformity of Religion, and by the strong Enclosure of her Frontiers, which is a sort of Prison to Malecontents; or with hopes of a diminution of Strength, or Authority in the Government under the Successors of the present King. There will be always *Richliens* to supply the weakness of their Kings, and *Mazarines* to support them in their Minority, and *Louvoys* to serve them as Instruments of their Ambition. The Springs of Government are of such a temper, as not to be weaken'd by the injury of Time: The turbulent Genius of the Nation is turn'd to War, to Intrigues and daring Enterprizes; and there is in the Maxims of their Government enough to secure them the Empire of the Universe. *France* has already advanc'd more than half way towards it; she wants nothing but only to confirm her self in the Monarchy of *Spain*, to finish the other half at her own convenience. I omit all the other Reflections that may be made upon it; for there can no more be said upon this Subject than what has been said already, and which has not been found true. The Experience of so many Ages, which has been confirm'd from day to day, during the whole course of the latter Century, is more instructive than all the Lessons in the World. Either *France* must be brought so low as not to be in a condition to usurp, or she will usurp to Eternity.

The End.

